



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.7944 of 2021

and W.M.P. (MD)Nos.6053 & 6054 of 2021

WEB COPY

R.Vijayan

.. Petitioner

Vs.

- 1.The Inspector General of Registration,
Office of Registration Department,
No.100, Santhom High Road,
Mullima Nagar, Mandavellipakam,
Annamalaipuram,
Chennai.
- 2.The Deputy-Inspector General of Registration,
Office of DIG of Registration Department,
Court Campus,
Cantonment, Trichy.
- 3.The District Revenue Officer,
Karur District,
Karur.
- 4.The District Registrar,
Office of District Registrar of Registration,
Collectorate, Karur District.
- 5.The Revenue Divisional Officer,
Kulithalai Division,
Karur District.
- 6.The Tahsildar,
Kandavur Taluk,
Karur District.
- 7.The Sub-Registrar,
Sub-Registrar Office,
Tharagampatti Sub-Registrar Office,
Karur District.
- 8.Saravanakumar
- 9.Bharathmani
- 10.Santhi
- 11.Selvam
- 12.Sathishkumar
- 13.Minor. Nithiyashiri



14.Minor. Mathumitha
15.Minor. Manisha
(RR 13 TO 15-Minors,Rep by R11)
16.Manoharan
17.Minor. Salika
18.Minor. Shri Haribala
(RR 17 & 18-Minors,Rep by R16)
19.Lakshmi
20.Jeeva
21.Palanivel

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned sale deed in Doc.No.667 of 2018 dated 10.04.2018 on the file of the 7th respondent pertaining to S.F.Nos.381/2B1 & 381/3A, situated at east village, Kadavoor Taluk, Karur District executed by the respondents 8 to 20 in favour of the 21st respondent and quash the same consequently direct the 7th respondent to remove the entry of sale deed in Doc.No.667 of 2018 in the records.

For Petitioner : Mr.S.Gokulraj

For Respondent : Mr.K.Sathiyasingh,
Additional Government Pleader.

ORDER

This Writ Petition has been filed challenging the sale deed registered on the file of the seventh respondent on 10.04.2018, as Document No.667 of 2018 and for a consequential direction to the seventh respondent to remove the entry made in the records while registering the document.

2. The case of the petitioner is that the petitioner is the owner of the subject property and respondents 8 to 20 had obtained a patta for the property without the knowledge of the petitioner. Immediately, thereafter they executed the impugned sale deed dated 10.04.2018 in favour of the 21st respondent. The further case of the petitioner is that he filed a revision before the third respondent challenging the order passed by the 5th respondent and the revision was allowed by an order dated 21.01.2021. Hence, according to the petitioner, the sale deed that was executed during the interregnum period is illegal and has to be cancelled. Hence, this Writ Petition has been filed before this Court.

3. Heard Mr.S.Gokulraj, learned counsel for the petitioner and Mr.K.Sathiyasingh, learned Additional Government Pleader appearing for respondents 1 to 7.



4. In the considered view of this Court, the relief claimed by the petitioner before this Court is un-sustainable. This Court cannot exercise its jurisdiction under Article 226 of the Constitution of India and cancel sale deeds. Even insofar as the jurisdiction of the Registration Authority in cancelling the sale deed is concerned, the Hon'ble Supreme Court has made it very clear that such jurisdiction is not vested with the Registration Authority. Useful reference can be made to the judgment of the Hon'ble Supreme Court in **Satya Pal Anand Vs. State of Madhya Pradesh and Others** reported in **(2016) 10 SCC 767**. Following this judgment, a three member Bench of the Hon'ble Supreme Court has subsequently held that writ is also not a remedy in cases of this nature. Useful reference can be made to the judgment in **Satya Pal Anand Vs. State of M.P. And Others** reported in **2017 (1) CTC 414**.

5. In view of the above, this Court does not find any merits in this Writ Petition and accordingly, the same is dismissed. It is left open to the petitioner to approach a competent civil Court and question the impugned sale deed in the manner known to law. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Inspector General of Registration,
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7.The Sub-Registrar,
Sub-Registrar Office,
Tharagampatti Sub-Registrar Office,
Karur District.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-16355[F] dated 19/04/2021)

+1 CC to M/s.SPL GP (SR-16505[F] dated 19/04/2021)

+1 CC to M/s.AGP (SR-16461[F] dated 19/04/2021)

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RK (27.04.2021) 4P 11C