



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10932 of 2021

and

W.M.P. (MD) .No.8578 of 2021

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Nagarajan

...Petitioner

Vs.

1. The Inspector General of Registration,
Registry Department,
Office of the Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Raja Annamalai Puram, Chennai-600 028.
2. The District Register,
Office of the District Register,
171, Palace Road, Madurai-625 001.
3. The Sub-Registrar,
Office of the Sub-Registrar,
T.Vadipatti Taluk, Madurai District.
4. Prema
5. Geetha
6. Baskar
7. Chithra

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to conduct proper enquiry and to cancel the Settlement Deed in Document Nos.2276/2018, dated 14.12.2018, on the file of the Respondent No.3 and Sale Deeds in Document Nos.949/2021 and 950/2021, dated 22.04.2021, on the file of the respondent No.3, by considering the petitioner's representation dated 23.06.2021, in accordance with law within time stipulated by this Court.

For Petitioner : Mr.S.Dhanagopal

For R-1 to R-3 :Mr.R.Suresh Kumar
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents 1 to 3 to conduct enquiry based on the representation made by the petitioner on 23.06.2021,



wherein, the petitioner has sought for the cancellation of the settlement deed and sale deeds executed by the private respondents.

2. The case of the petitioner is that the fourth respondent entered into an agreement with the petitioner. Pursuant to the said agreement, the petitioner had also invested nearly a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) and the property was converted into plots after getting proper approval from the DTCP. The grievance of the petitioner is that the fourth respondent proceeded further to execute the settlement deed in favour of the fifth respondent with respect to some of the plots and sale deeds in favour of the sixth and seventh respondents with respect to the other plots. That apart, the fourth respondent also executed a sale deed in favour of the seventh respondent and sold one more plot.

3. According to the petitioner, all these transactions are fraudulent and hence, a complaint was made before the respondents 1 to 3 to take action against the private respondents. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.S.Dhanagopal, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents 1 to 3.

5. In the considered view of this Court, the relief sought by the petitioner is un-sustainable. The petitioner is the agreement-holder and if at all, there was a breach of agreement by the fourth respondent, the petitioner should work out his remedy only before the competent Civil Court. This Court has settled the law to the effect that there is no bar for the owner of the property to deal with the property even if the owner had entered into an agreement of sale. This Court has further held that the agreement-holder is entitled to file a suit for specific performance and in the said suit, the encumbrances made by the original owner of the property can also be challenged. This exercise cannot be done by the Registration Department. Therefore, no useful purpose will be served in directing the official respondents to consider the representation made by the petitioner. In view of the above discussion, the relief sought for by the petitioner cannot be granted by this Court and liberty is granted to the petitioner to work out his remedy before the competent Civil Court.



6. This Writ Petition stands dismissed accordingly, No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

tsg

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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Office of the Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Raja Annamalai Puram, Chennai-600 028.
2. The District Register,
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3. The Sub-Registrar,
Office of the Sub-Registrar,
T.Vadipatti Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-21189[F] dated 05/07/2021)

Order made in
W.P. (MD) .No.10932 of 2021
Dated:

02.07.2021

CN(12.07.2021) 3P 5C