



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16028 of 2021

Muthusamy

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
Karur District, Karur.

3.The Sub-Registrar,
Tharangampatti, Karur District,
Karur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 13.04.2021 and to cancel the sale deed in document No.736 of 2002, dated 03.07.2002 registered on the file of Tharangampai Sub-registrar, Karur District and the subsequent encumbrances made in 40 $\frac{3}{4}$ cents comprised in Ayan Punja survey No. 384/2, Keelapaguthi village Panchayat, Kadavoor Panchayat Union, Kulithalai Taluk, Karur District.

For Petitioner : M/S.A.Balaji

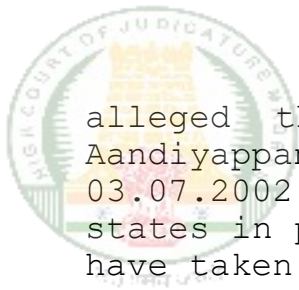
For Respondents : Mr.P.Subbaraj

Counsel for the State

ORDER

The petitioner seeks a direction to the second respondent to consider his representation dated 13.04.2021 for the cancellation of a sale deed dated 03.07.2002 bearing document No.736/2002.

2. The petitioner states that his father was the owner of the land measuring 40 $\frac{3}{4}$ cents comprised in Ayan Punja survey No. 384/2, Keelapaguthi village Panchayat, Kadavoor Panchayat Union, Kulithalai Taluk, Karur District. Upon the death of his father, it is stated that five persons including the petitioner inherited the said property. The petitioner claims that he has $\frac{3}{5}$ share pursuant to the settlement deed executed by his two sisters in his favour. It is



alleged that the petitioner recently came to know that one Aandiyappan and his legal heirs have executed a sale deed dated 03.07.2002 in favour of one Venkadachalam. The petitioner also states in paragraph five of the affidavit that multiple transactions have taken place thereafter in relation to the relevant property.

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3. Mr.P.Subbaraj, learned counsel for the state accepts notice on behalf of all the respondents.

4. From the averments in the affidavit and the documents enclosed in support of the writ petition, it is clear that the petitioner impugns a sale deed registered on 03.07.2002. Thus, the petitioner has approached the Court after the lapse of nineteen years from the date of registration of the relevant document. While the periods of limitation specified in the Schedule to the Limitation Act, 1963 do not apply to proceedings under Article 226 of the constitution, laches is an important consideration while deciding whether to exercise discretionary jurisdiction.

5. In the case at hand, not only has the petitioner challenged a sale deed of the year 2002 in the year 2021, it also appears that the parties to such sale deed have not been impleaded. In addition, paragraph five of the affidavit indicates that several subsequent transactions have also been effected in respect of the relevant property.

6. For all the reasons set out above, W.P.(MD).No.16028 of 2021 is dismissed without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

sbm

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,
Registration Department,
No.100, Santhome High Road,
Chennai.



2.The District Registrar,
Karur District, Karur.

3.The Sub-Registrar,
Tharangampatti, Karur District,
Karur.

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+1 CC to M/s.GP (SR-28700[F] dated 09/09/2021)

W.P(MD) .No.16028 of 2021

08.09.2021

RD(16.09.2021) 3P 5C