



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.15956 of 2021

S.Richard Singh

... Petitioner

Vs.

1.The Inspector General of Registration,
Chennai.

2.The District Registrar,
Cheranmahadevi.

3.The Sub Registrar,
Cheranmahadevi, Tirunelveli District.

4.The Sub Registrar,
Pudukkottai, Thoothukudi District.

5.S.Francis Arockiyam Ariyan,
S/o.R.A.Savarimuthu Nadar,
No.5/153, Cirupudu, Kumaragiri,
Thoothukudi District.

... Respondents

(Respondent No.2 is *suo motu* impleaded as party respondent instead of District Registrar, Tirunelveli vide Court Order dated 08.09.2021)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct an enquiry into the registration of the sale deed dated 05.03.2021 in the name of the fifth respondent and registered in the office of the third respondent under Document No.1/480/2021 and to cancel the registration as fraudulent in consideration of the petitioner's representation dated 17.07.2021.

For Petitioner : Mr.G.Prabhu Rajadurai
For R1 to R4 : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks an inquiry into the registration of the sale deed dated 05.03.2021 in the name of the fifth respondent, bearing document No.1/480/2021.



2. The petitioner claims title to the property bearing Survey No.229/5A1B , Maravanmadam Village, Thoothukudi Taluk and District measuring about 31 Cents. It is stated that the petitioner purchased the said property from one Mr.Rajesh Jeyasingh under sale deed dated 27.11.2009.

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3. The petitioner states that it was discovered that a sale deed had been registered on 05.03.2021 in favour of the fifth respondent when his father-in-law was prevented from cleaning the property by the fifth respondent.

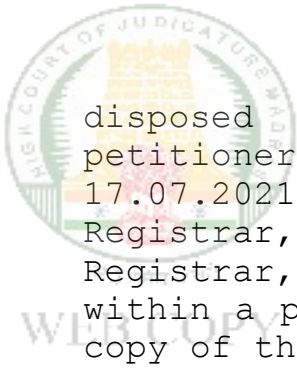
4. The petitioner alleges that the property which is subject matter of the present Writ Petition has been combined with another property measuring about 5 Cents in Mukoodal. On such basis, it is alleged that the registration of the impugned sale deed was effected before the Sub Registrar at Mukoodal. In effect, the petitioner is raising a jurisdictional issue. In addition, it is alleged that the registration is fraudulent inasmuch as the petitioner has the necessary title and revenue records in his favour.

5. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the jurisdictional District Registrar is the District Registrar, Cheranmahadevi and not the District Registrar, Tirunelveli.

6. The petitioner has enclosed the sale deed in his favour as well as the sale deeds in favour of his predecessors in interest. In addition, the patta in his favour has also been enclosed. In view of the submission of such documents and in light of the averments in the affidavit, the petitioner is entitled to a consideration of his request for an inquiry.

7. In view of the submission that the District Registrar, Cheranmahadevi is the appropriate authority to deal with the matter, the said authority is *suo motu* impleaded as a party instead of the District Registrar, Tirunelveli. The Registry is directed to carry out the necessary amendment before issuing the order copy.

8. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 17.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the fifth respondent herein and any other party who would be affected by the decision. In view of the fact that the merits of the matter have not been gone into and because the District Registrar, Cheranmahadevi has been directed to hear the fifth respondent before passing orders, the Writ petition is



disposed of without notice to the private respondent. The petitioner is permitted to forward the representation dated 17.07.2021 along with a copy of this order to the District Registrar, Cheranmahadevi for appropriate action. The District Registrar, Cheranmahadevi is directed to issue a reasoned order within a period of three (3) months from the date of receipt of a copy of this order along with the representation dated 17.07.2021.

9. W.P.(MD).No.15956 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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,
Chennai.

2.The District Registrar,
Cheranmahadevi.

3.The Sub Registrar,
Cheranmahadevi, Tirunelveli District.

4.The Sub Registrar,
Pudukkottai, Thoothukudi District.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-28759[F] dated 09/09/2021)

W. P (MD) No.15956 of 2021
08.09.2021

(CO)

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