



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.16795 of 2021

S.Gurusamy

... Petitioner

Vs.

1. The District Registrar (Administration),
District Registrar Office,
Kokkirakulam,
Tirunelveli - 9.

2. N.Saisubbulakshmi

3. P.Karthikeyan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.2923/A3/2018 dated 02.08.2021 and quash the same as illegal and consequently direct the first respondent to cancel the document No.2815/1996 dated 22.07.1996 on the file of Sub-Registrar Office, Kovilpatti.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.P.Subbaraj,

Counsel for the State for R1

O R D E R

The petitioner challenges an order dated 02.08.2021 of the first respondent herein, whereby the petitioner's request for cancellation of the sale deed bearing Document No.2815 of 1996 was refused.

2. The petitioner alleges that the registration of the sale deed bearing Document No.2815 of 1996 dated 22.07.1996 in favour of one N.Saisubbulakshmi was fraudulent. According to the petitioner, the property admeasuring an extent of 27 cents in Survey No.317/7, which is a joint family property, was included in such sale deed on account of the foul play by the second respondent.

3. The petitioner asserts that such foul play is evident by the fact that the stamp paper was purchased in August 1996, whereas the sale deed was executed on July 22, 1996. In addition, the petitioner asserts that the thumb impression of the executant is not contained in the relevant sale deed. Upon discovering the aforesaid alleged fraud, the petitioner made a representation to the first respondent on 29.06.2020. The said representation culminated in the impugned order dated 02.08.2021.



4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent.

5. The impugned order is appellable before the Deputy Inspector General of Registration. The impugned order itself records that an appeal may be filed within a period of sixty (60) days from the date of receipt of the relevant order. The grounds on which the petitioner assails the impugned order are that the allegedly fraudulent sale deed was executed on 22nd July 1996 whereas the stamp paper was purchased in August 1996. For such purpose, two pages of the relevant sale deed are referred to. In addition, it is alleged that the thumb impression is available only on the last page. The allegations of the petitioner relate entirely to questions of fact. The original sale deed is not before this Court. An appellate remedy is available to the petitioner. When an appellable order is assailed on merits on grounds that turn entirely on questions of fact, which may be disputed if the contesting parties are put on notice, there is little reason to interfere in judicial review.

6. Accordingly, W.P(MD).No.16795 of 2021 is dismissed without any order as to costs by leaving it open to the petitioner to assail the impugned order by presenting an appeal before the Deputy Inspector General of Registration within the time limit indicated in such impugned order.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The District Registrar (Administration),
District Registrar Office,
Kokkirakulam,
Tirunelveli - 9.

+1 CC to M/s.SPL. GP (SR-29769[F] dated 21/09/2021)

W.P. (MD)No.16795 of 2021
20.09.2021

NSN (CO)
KB(05.10.2021) 2P 3C