



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18040 of 2021

S.Thiruppathi

... Petitioner

Vs.

1.The Inspector of Registration,
No.100, Santhome High Road,
Pattinapakam, Chennai-600028.

2.The District Revenue Officer,
Dindigul District, Dindigul.

3.The Sub Registrar,
Keeranur Registrar Office,
Palani Taluk, Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to cancel the registered document No.281/2017 by the third respondent, in S.No.400/2 situated in Balakrishnapuram Village, Dindigul District, as illegal registration based on the petitioner's representation dated 19.08.2021.

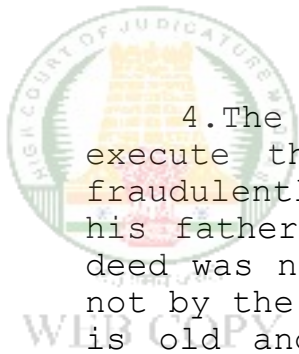
For Petitioner	: Mr.T.Ramasamy
For Respondents	: Mr.P.Subbaraj
	Counsel for State

ORDER

The petitioner seeks a direction to the respondents to cancel a registered sale deed bearing Document No.281/2017 in respect of the property bearing S.No.400/2, Balakrishnapuram Village, Dindigul District.

2.The petitioner asserts that the above mentioned property is owned by his father, who inherited the same from his ancestors. In support of such submission, the petitioner relies upon the settlement records in the name of his great grandfather. The petitioner alleges that a fraudulent sale deed was executed in respect of the relevant property by one S.Jeyapaul. It is further alleged that the said S.Jeyapaul unlawfully took the thumb impression of his father and thereby executed and registered the sale deed on 06.02.2017. The present writ petition is filed for a direction to cancel the said sale deed.

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



4.The crux of the petitioner's case is that his father did not execute the sale deed dated 06.02.2017, and that the same was fraudulently executed and registered. The petitioner admits that his father is still alive. As such, the allegation that the sale deed was not executed should be made by the petitioner's father and not by the petitioner. While the petitioner asserts that his father is old and infirm, at a minimum, a power of attorney should be obtained. Therefore, the present writ petition is not maintainable at the instance of the petitioner herein.

5.For reasons set out above, W.P(MD)No.18040 of 2021 is dismissed without any order as to costs by leaving it open to the petitioner's father to seek the relief prayed for herein.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai-600028.
- 2.The District Revenue Officer,
Dindigul District, Dindigul.
- 3.The Sub Registrar,
Keeranur Registrar Office,
Palani Taluk, Dindigul District.

+1 CC to M/s.SPL.GP (SR-31497[F] dated 07/10/2021)

W.P(MD) .No.18040 of 2021
06.10.2021

NSN(CO)
KB(25.10.2021) 2P 5C