



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.21998 of 2021

and

W.M.P. (MD) No.18606 of 2021

WEB COPY

S.Kamaraj

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub Registrar,
Aruppukkottai,
Virudhunagar District.

3.Alagar

4.Seenivasan

5.Karikalan

6.Rajaguru

... Respondents

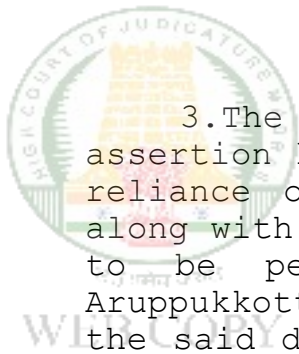
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to cancel the sale deed No.842/2021 dated 08.02.2021 on the file of the second respondent by considering the petitioner representation, dated 29.03.2021.

For Petitioner : Mr.R.Murugappan
For Respondent : Mr.J.John Rajadurai
Government Advocate

ORDER

The petitioner had filed a writ petition in the nature of Writ of Mandamus, seeking direction against the first respondent to cancel the sale deed registered as document No.842 of 2021 on 08.02.2021 by the second respondent/ The Sub Registrar, Aruppukkottai, Virudhunagar District.

2. The petitioner claims that he has valid title over the property along with others, with respect to the property in S.No.25/2, Palayampatti, Aruppukkottai Taluk, Virudhunagar District. The original patta of the property was 2325. However, a document had been registered on 08.02.2021 with respect to the very same property by the respondents 3 to 6, claiming that the property, actually belonged to Ponnayan Pandithan Trust.



3.The learned counsel for the petitioner claims that such assertion by the respondents 3 to 6 is not correct and also places reliance on a suit instituted by the petitioner as 6th plaintiff along with other plaintiffs in O.S.No.91 of 2015, which suit is said to be pending on the file of the District Munsif Court, Aruppukkottai. The petitioner is aggrieved with the registration of the said document as aforesaid. In this connection, an enquiry is on going in the office of the first respondent / the District Registrar, Virudhunagar. Notice had also issued to the petitioner to participate in the enquiry.

4.The learned counsel for the petitioner states that no orders has been passed pursuant to the enquiry and apprehends that pursuant to the sale deed having been registered, virus of which has been questioned by the petitioner, further transactions would be entertained by the respondents 3 to 6.

5.Let a direction be issued to the first respondent / the District Registrar to complete the enquiry process following due process and the principles of natural justice, after enquiring the parties and after examining relevant records. It is only appropriate that the respondents 3 to 6 to whom notice is not issued in this writ petition but who are also participants in the enquiry are restrained from dealing with the property till the first respondent passes an order either accepting that the document should be set aside and interfered with or refusing to interfere with the said document. Till the first respondent passes an order, let the second respondent not register any further document with respect to the aforesaid property.

6.The relief in the writ petition is accordingly modified and this Writ Petition is disposed of. A direction is given to the first respondent to dispose of the pending enquiry on or before 31.01.2022. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pnn

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 District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub Registrar,
Aruppukkottai,
Virudhunagar District.

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-38497[F] dated 14/12/2021)

W.P (MD) No.21998 of 2021
13.12.2021

NA (CO)

GC(20.12.2021) 3P 4C