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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.2827 of 2022

T.Shivashankara

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Sub-Registrar,
O/o. The Sub Registrar,
Kelamangalam, Hosur Taluk,
Krishnagiri District.

3.P.M.Mathai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first and second respondents to cancel the fraudulent Sale Deed in Doc.No.2405/2018 dated 26.03.2018 and Doc.No.7504/2018 dated 12.09.2018 were executed by the third respondent through his power agent in favour of Sarathinath, Bhavani and Banuprasath respectively and remove the entries made in the Encumbrance Certificate in respect of the house plot in Plot No.257 to an extent of 1200 Sq.ft in S.No.904 in pursuant to the petitioner's representation dated 25.11.2021 within a stipulated period fixed by this Hon'ble Court.

For Petitioner : Mr.C.Samivel

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the first and second respondents to cancel the fraudulent Sale Deed in Doc.No.2405/2018 dated 26.03.2018 and Doc.No.7504/2018 dated 12.09.2018, executed by the third respondent through his Power Agent in favour of Sarathinath, Bhavani and Banuprasath respectively and remove the



entries made in the Encumbrance Certificate in respect of the house plot in Plot No.257 of an extent of 1200 Sq.ft in S.No.904 in pursuant to the petitioner's representation dated 25.11.2021 within a stipulated period that may be fixed by this Court.

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2. The learned Special Government Pleader takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the third respondent, notice to the third respondent is dispensed with.

4. The case of the petitioner is that the third respondent offered the property to sale to the petitioner on 02.12.2011 and on the same day, they entered into an agreement through payment of Rs.5,000/- by the petitioner. After repeated requests, the third respondent did not come forward to perform his part of contract. So, the petitioner sent a legal notice on 22.12.2011. After that the petitioner filed a suit for specific performance in O.S.No.113/12 before the learned Additional Subordinate Judge, Hosur. The suit was decreed in favour of the petitioner. Thereafter, the petitioner filed an Execution Petition in REP.No.63 of 2019 to direct the third respondent to execute the sale deed. In the meanwhile, the third respondent sold the property by way of fraudulent sale deeds in favour of third parties. The petitioner gave a representation to the first and second respondent on 25.11.2021 to cancel the sale deed in Doc.713/2018 dated 29.10.2018, sale deed in Doc.No.2405/2018 dated 26.03.2018 and sale deed in Doc.No.7504/2018 dated 12.09.2019 which were executed by the third respondent in favour of third parties. But, till date, no orders have been passed. Hence, this Writ petition is filed with the above said prayer.

5. The learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first and second respondents to consider the petitioner's representation dated 25.11.2021 in accordance with law and pass appropriate orders within a particular time frame that may be fixed by this Court.

6. The learned Special Government Pleader appearing on behalf of the respondents submits that the remedy available to the petitioner only to file appropriate application to the District Registrar under Section 68(2) of the Registration Act.

7. In view of the above, liberty is granted to the petitioner to file appropriate application before the District



Registrar under Section 68(2) of the Registration Act, within a period of four weeks from the date of receipt of a copy of this order, and on such being filed, the District Registrar shall consider the same and pass appropriate orders on merits and in accordance with law as expeditiously as possible after providing opportunity to the 3rd respondent.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Psa

To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Sub-Registrar,
O/o. The Sub Registrar,
Kelamangalam, Hosur Taluk,
Krishnagiri District.

Copy To:

The District Registrar,
Kalamangalam, Hosur Taluk,
Krishnagiri District.

+1cc to Mr.C.Samivel, Advocate, S.R.No.10195
+1cc to the Government Pleader, S.R.No.11075

W.P. No.2827 of 2022

EV(CO)
SB(09/03/2022)