



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6897 of 2022

M.Sellappan

...Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-600 004.

2. The District Registrar,
Namakkal District,
Registration Department, Namakkal.

3. The Sub Registrar,
Mohanur Sub Registrar Office,
Mohanur, Namakkal District.

4. R.Mahesh

5. R.Kannammal

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to dispose the petitioner's representation dated on 24.11.2021 within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.M.Saravana Kumar

For Respondents R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 2nd respondent to dispose of the petitioner's representation dated 24.11.2021 within a time frame that may be fixed by this Court.

2. The learned Special Government Pleader takes notice on behalf of the official respondents 1 to 3. In view of the



consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed as against the 4th and 5th respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that, the disputed property is an ancestral property and after the demise of the petitioner's father, the petitioner, his younger sister viz., Kannammal and his mother viz., Pappayee are the only surviving legal heirs. Further, the petitioner has filed a Suit as against his mother and his sister / 5th respondent herein in O.S.No.206 of 2015, for partition and the same is pending. While so, the petitioner's sister / 5th respondent and his mother colluded together and had executed a Sale deed in favour of the 4th respondent/son of 5th respondent and the petitioner's mother had sold a portion of the disputed property in favour of the 5th respondent, vide Document No.2683/2021 dated 19.11.2021. Immediately thereafter, the petitioner made a representation dated 24.11.2021 before the respondents 1 to 3 to cancel the Sale deed dated 19.11.2021 executed in favour of the 4th respondent. However, till date, no order has been passed on the same. Hence, the present Writ petition is filed.

5. Learned counsel for the petitioner submitted that, the petitioner's mother had decided to alienate the disputed ancestral property to and in favour of the 4th respondent and executed a Sale deed dated 19.11.2021, when the suit is pending in respect of the very same property. Hence, he submitted that it would suffice if this Court issues direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 24.11.2021 and cancel the Sale Deed No.2683 of 2021 dated 19.11.2021 executed in favour of the 4th respondent.

6. Learned Special Government Pleader appearing for respondents 1 to 3 submitted that, when a partition suit for partition in O.S.No.206 of 2015 is pending between the petitioner, 5th respondent and his mother in respect of the disputed property, the petitioner has made a representation dated 24.11.2021 before the respondents 1 to 3 herein, seeking for cancellation of the sale deed dated 19.11.2021, which is not sustainable. Hence, he prays for dismissal of the present Writ petition.

7. Heard the arguments advanced by the learned counsel on either side and perused the materials available on record.

8. Admittedly, the disputed property is an ancestral property and as stated above, there is a partition suit pending



between the petitioner, his mother and the 5th respondent. Whiles, instead of canvassing the same before the competent Court, filing representation dated 24.11.2021 before the respondents 1 to 3 is not sustainable, as the respondents 1 to 3 are not the competent authority to decide upon the issue. Further, once a document is registered, the registering authority has no power to cancel the document and the course open to the petitioner for cancellation of document is to go before the appropriate Civil Court as held in the case of Satya Pal Anand Vs. State of Madhya Pradesh (2016(10) SCC 767). Therefore, no orders as sought for can be granted by this Court by invoking its inherent jurisdiction under Article 226 of the Constitution.

9. Accordingly, the present Writ petition is dismissed. No costs. However, liberty is granted to the petitioner to workout the remedy before the competent Civil Court.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-600 004.
2. The District Registrar,
Namakkal District,
Registration Department, Namakkal.
3. The Sub Registrar,
Mohanur Sub Registrar Office,
Mohanur, Namakkal District.

+1cc to Mr.M.Saravana Kumar, Advocate SR. No. 20186
+1cc to Government Pleader SR. No.21084

W.P.No.6897 of 2022

NRL (CO)
PR (27/04/2022)