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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4969 of 2022

Ehilarasi Elango

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram, Chennai - 600 028.

2.The Sub - Registrar,
Office of the Sub - Registrar,
No.2, Gopal Swamy Street,
Lenin Nagar, Kamaraj Puram,
Ram Nagar, Ambattur,
Chennai - 600 053.

3.L.B.Senthil Kumar

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the second respondent to consider the representation dated 10.09.2021 and consequently to cancel the sale deed in document No.823 of 2010 dated 01.02.2010 the property situated at Plot No.6 and in Survey No.389/1, Old Paimash No.1523, No.85, Ayanabakkam Village, Thiruverkadu Nagaratchi, Ambatthur Zone, Thiruvallur District, measuring an extent of Land 4950 Sq.ft. and common path way of 950 sq.ft.

For Petitioner : Mr.N.S.Thanu Madhan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the second respondent to consider the representation dated 10.09.2021 and to consequently cancel the sale deed in document No.823 of 2010, dated



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01.02.2010, the property situated at Plot No.6 and in Survey No.389/1, Old Paimash No.1523, No.85, Ayanabakkam Village, Thiruverkadu Nagaratchi, Ambatthur Zone, Thiruvallur District, measuring an extent of Land 4950 sq.ft. and common path way of 950 sq.ft.

2.The case of the petitioner is that the petitioner's adjacent land owner sold the adjacent land including common pathway to the third respondent. Hence, the petitioner made representation to the official respondents seeking to cancel the sale deed and since the same has not yet been considered, has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner inherited the property in Plot No.4, Survey No.389/1, Old Paimash No.1523, No.85, Ayanabakkam Village, Thiruverkadu Nagaratchi, Ambatthur Zone, Thiruvallur District, to an extent of 1340 sq.ft. vide settlement deed dated 17.11.2004 and there was a common pathway of an extent of 950 sq.ft. The petitioner's adjacent land owner in Plot No.6, Survey No.389/1, Old Paimash No.1523, No.85, Ayanabakkam Village, Thiruverkadu Nagaratchi, Ambatthur Zone, Thiruvallur District, sold the adjacent land of an extent of 4950 sq.ft. of land including the common pathway of 950 sq.ft. in favour of the third respondent vide sale deed dated 01.02.2010. Though the adjacent land owner did not alienate the petitioner's property, alienated the common pathway which is not sustainable one.

4.The learned counsel appearing for the petitioner further submitted that this Court may issue direction to the second respondent to consider the petitioner's representation dated 10.09.2021 and to consequently cancel the sale deed in document No.823 of 2010, dated 01.02.2010.

5.The learned Special Government Pleader appearing for the official respondents submitted that the sale deed is not a fraudulent document. It is the case of the petitioner that the adjacent land owner conveyed the common pathway in favour of the third respondent. He further submitted that the issue involved in the writ petition has to be adjudicated before the competent civil Court and not by way of writ petition.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.It is admitted fact that the petitioner's adjacent land owner has not alienated the petitioner's property. It is the petitioner's case that the adjacent land owner while alienating his lands also alienated the common pathway. The issue involved in the present case cannot be agitated before the Registration



Department Officials. It can be decided only before the competent Civil Court. Hence, the prayer sought for in this writ petition cannot be considered.

8.The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
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No.100, Santhome High Road,
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2.The Sub - Registrar,
Office of the Sub - Registrar,
No.2, Gopal Swamy Street,
Lenin Nagar, Kamaraj Puram,
Ram Nagar, Ambattur,
Chennai - 600 053.

+2cc to Mr.N.S.Thanu Madhan, Advocate, S.R.No.16049
+1cc to the Government Pleader, S.R.No.16229

W.P.No.4969 of 2022

MT(CO)
SB(06/04/2022)
SB(08/04/2022)