



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.32190 OF 2012

T.Sundramurthy

... Petitioner

Vs.

1. The Sub-Registrar
Sub Registrar Office,
SSD Road,
Tiruchengode.

2. R.Arukkani

3. Karupatthal

4. S.Umashankar

5. S.Jothimani

6. S.Gomathi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to register the cancellation of the Rent Lease deed.

For Petitioner : Mr.K.Venkatesh

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
No Appearance for R2-R6

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus directing the 1st respondent to register the cancellation of the Rent Lease deed.

2. The case of the petitioner is that, the petitioner purchased the property bearing Survey No.138/2 ad-measuring 3.04



Punjai Land and A.C.C shed building situated in Tiruchengode Village, Namakkal District from the respondents 3-6. The same was registered by a Sale deed dated 15.10.2012 in the Sub Registrar Office. Thereafter, the petitioner came to know that there exists a lease deed entered into between the 2nd respondent and one P. Subramaniam / father of the respondents 4 - 6 dated 09.07.2008. Subsequently, P.Subramaniam died on 07.10.2011. While so, the petitioner approached the 1st respondent for termination / cancellation of the the lease deed. As the 2nd respondent refused to sign the cancellation deed and did not appear before the 1st respondent, the 1st respondent rejected to cancel the lease deed stating that both parties need to be present for cancellation. Hence, the petitioner has approached this Court by filing the present Writ Petition with the above said prayer.

3. The learned counsel appearing on behalf of the petitioner submitted that admittedly, the respondents 3-6 suppressed the existing lease deed entered into between the 2nd respondent and the father of the respondents 4-6. While so, the petitioner is not entitled to apply for any loan and his loan application was rejected. Since, the 2nd respondent is not in possession of the above said property and no consideration as stated in the lease deed has been paid to the respondents 3-6, there would be no hardship caused in termination of the lease deed. Hence, he prays that this Court may direct the 1st respondent to cancel the above said lease deed.

4. The learned Special Government Pleader appearing on behalf of the 1st respondent submitted that, admittedly, there exists a lease deed between 2nd respondent and father of respondents 4 to 6. He further submitted that, unless the said lease deed is cancelled in the manner known to law, the 1st respondent cannot insist on the 2nd respondent to appear for cancellation of the said deed. Hence, there is a remedy available to the petitioner before the competent Civil Court.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Facts in the present case are not in dispute. Admittedly, there exists a lease deed entered into between the 2nd respondent and the father of the respondents 4-6. Suppressing the said lease, the respondents 3-6 alienated the property in favour of the petitioner. Since, there was a lease deed between the 2nd respondent and father of respondents 4-6, this Court cannot direct the 1st respondent to cancel the said lease deed and cannot insist on the 2nd respondent to appear before the 1st respondent for termination of the said deed. The remedy available to the petitioner is only to approach the Civil Court.



Without availing such remedy, filing the present Writ Petition, with the above said prayer, is not sustainable. However, liberty is granted to the petitioner to work out the remedy before the competent Civil Court in the manner known to law.

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7. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rap/skt

To

The Sub-Registrar
Sub Registrar Office,
SSD Road,
Tiruchengode.

+1cc to the Government Pleader, S.R.No.13038

W.P.No.32190 of 2012

KV (CO)
PM/21/03/2022