



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10020 OF 2022

AND

W.M.P.NO.9718 OF 2022

T.J.Anandakumar

... Petitioner

.Vs.

1. The District Registrar (Admn),  
O/o. District Registrar Office,  
Coimbatore.

2. The Sub Registrar,  
Sulur Sub Registrar Office,  
Coimbatore.

3. M.Ramasamy

4. Gopalaswamy

5. P.Selvasekaran

6. P.Yuvaraj

7. C.Gopalaswamy

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to cancel the sale deed document Nos.1872 of 2006, dated 06.03.2006 and document No.3419/2011 dated 17.3.2011 situated at Sulur Village, Palladam Taluk, which was registered in the office of the first respondent after conducting enquiry in respect of land comprised in survey No.398 measuring 5.41  $\frac{3}{4}$  cents.

For Petitioner : Mr.K.Nagarajan

For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader





a time frame to be fixed by this Court.

5. The learned Special Government Pleader appearing for respondents 1 and 2 submits that the petitioner claims his title based on Document No.323 of 2000, dated 03.02.2000, whereas the private respondents are claiming title in Document No.1872 of 2006 dated 06.03.2006 and Document No.3419 of 2011 dated 17.03.2011. Further, the private respondents purchased the property in the year 2006 and in 2011 and there was some dispute with regard to the enjoyment of the property in question, for which the private respondents filed a Suit in O.S.No.64 of 2008 and the said Suit was dismissed based on I.A.No.763 of 2009 filed by the petitioner, as against which, the fourth respondent filed a Civil Revision Petition in C.R.P.(PD)No.4548 of 2010 before this Court and the same was dismissed on 29.08.2018 with liberty to him to file an appeal before appropriate forum. When that being the question, the petitioner made the above complaints to cancel the Sale Deeds dated 06.03.2006 and 17.03.2011 before the first respondent in terms of Section 68(2) of the Registration Act after a lapse of 16 years and 11 years respectively, which is not sustainable. Accordingly, he prayed for dismissal of this Writ Petition.

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

7. Considering the facts and circumstances of the case, it is seen that admittedly, the fourth respondent filed a Suit in O.S.No.64 of 2008 for permanent injunction restraining the petitioner and other persons from interfering with the fourth respondent's possession and enjoyment of the property, either by giving effect to Sale Deed dated 03.02.2000 or the Sale agreement dated 31.07.1998. The said Sale Deed was purchased by the petitioner by claiming right over the property. It is equally undisputed that the petitioner filed I.A.No.763 of 2009 in O.S.No.64 of 2008. The said application was allowed by the District Munsif Court, Palladam on 13.04.2010, as against which, the fourth respondent preferred Civil Revision Petition in C.R.P.(PD) No.4548 of 2010 before this Court and the same was dismissed on 29.08.2018 on the ground that without approaching the appropriate forum, directly approaching this Court under Section 115 of C.P.C. is not maintainable. Accordingly, this Court granted liberty to the fourth respondent to prefer an Appeal before the appropriate forum. When that being the question, the petitioner made the above said complaints before the first respondent to cancel the Sale Deeds dated 06.03.2006 and 17.03.2011 after a lapse of 16 years and 11 years respectively, which is not sustainable in law. Hence the petitioner has not properly explained the delay for challenging the alleged Sale Deeds purchased in the year 2006 and 2011



respectively. Hence this Court cannot issue any affirmative direction in favour of the petitioner. Hence the prayer sought for cannot be granted.

8. Accordingly this Writ Petition is dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs. Consequently connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar (Admn),  
O/o. District Registrar Office,  
Coimbatore.
2. The Sub Registrar,  
Sulur Sub Registrar Office,  
Coimbatore.

+lcc to the Government Pleader, S.R.No.28892

W.P.NO.10020 OF 2022

CA(CO)  
PBS/13/05/2022