



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10825 OF 2022

AND

W.M.P.NO.10457 OF 2022

D.Anuradha

...Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
102, State Bank Rd,
Gopalapuram, Coimbatore - 641 018.

2.The Sub-Registrar,
Singanallur Sub Registrar Office,
4/101A, Thottangal Veethi,
Tiruchy Road, Ottorpalayam,
Chindamaniputhur Post, Coimbatore - 641 015.

3.A.A.Mohamed Nassar

4.A.A.Mohammed Iqbal

5.A.A.Mohamed Anwar

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to cancel the sale deed dated 13.11.2017 and registered as Document No.9019/2017 in SRO, Singanallur, Coimbatore ie the 2nd respondent herein fraudulently in favour of the respondents 3 to 5 and consequently rectify the relevant register of the 2nd respondent.

For Petitioner : Mr.S.S.Swaminathan

For Respondents : Mr.Yogesh Kannadasan, Spl.GP

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider



the petitioner's representation dated 16.02.2022 and cancel the sale deed dated 13.11.2017 bearing Document No.9019/2017 executed in favour of the respondents 3 to 5.

2. Learned Special Government Pleader takes notice for the first and second respondent. 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 orders are being passed against the private respondents, notice to the private respondents is dispensed with.

4. It is the case of the petitioner that the subject property originally belonged to one C.K.Rajagopalan. Thereafter, the said C.K.Rajagopalan and petitioner entered into a sale agreement dated 18.06.1990 for a valid sale consideration. Though, sale consideration was received, however, the sale deed was not registered in favour of the petitioner. After the demise of said C.K.Rajagopalan, his legal heirs executed a power of attorney with respect to the subject property in favour of one S. Rajagopalan, in turn the said property was sold to one Jayakrishnan by way of a sale deed, which prompted the petitioner to file a suit in O.S.No.1165/2012 on the file of the Principal Sub Judge, Coimbatore and the said suit was decreed in favour of the petitioner and the sale deed was registered in petitioner's name and joint patta was also granted in favour of the petitioner and Jayakrishnan.

5. It is the further case of the petitioner that the said Jayakrishnan by using force expelled the petitioner from the property and thereafter, the petitioner was shocked to know about the suit in O.S.No.1576/2021 on the file of the II ASJ, Coimbatore filed by respondents 3 to 5, to whom, the said Jayakrishnan had sold the property and the said respondents have trespassed into the property. Therefore, the petitioner made a representation dated 16.02.2022 before the 1st and 2nd respondents, seeking cancellation of sale deed dated 13.11.2017 executed in favour of the private respondents, in view of the decree dated 06.09.2017 passed in the O.S.No.1165 of 2012, however, till date, the same has not been considered. Hence, this Writ petition.

6. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the 1st and 2nd respondents to consider the petitioner's representation dated 16.02.2022 in the light of the decree passed by the trial court and cancel the Sale deed dated 13.11.2017 bearing Document No.919/2017 executed in favour of the respondents 3 to 5 and consequential direction



to rectify the revenue records in respect of the subject property in favour of the petitioner as early as possible.

7. On the above contention, heard the learned Special Government Pleader appearing on behalf of the 1st and 2nd respondents.

8. In view of the limited request made by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the 2nd Respondent to consider the petitioner's representation dated 16.02.2022 and dispose of the same in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the respondents 3 to 5, within a period of twelve weeks from the date of receipt of a copy of this order.

9. This writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

skt

To

1. The District Registrar,
Office of the District Registrar,
102, State Bank Rd,
Gopalapuram, Coimbatore - 641 018.

2. The Sub-Registrar,
Singanallur Sub Registrar Office,
4/101A, Thottangal Veethi,
Tiruchy Road, Ottorpalayam,
Chindamaniputhur Post, Coimbatore - 641 015.

+1cc to M/s.S.S.Swaminathan, Advocate Sr.No.32110

+1cc to the Government Pleader Sr.No.33030

W.P.No.10825 of 2022
and
W.M.P.No.10457 of 2022

NK(CO)
RVM(07/07/2022)