



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10215 OF 2022

A.Gunavathy

...Petitioner

Vs.

1.The District Collector,
Dharmapuri.

2.The Sub-Registrar,
Sub-Registrar's Office I,
Dharmapuri.

3.Padmini

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to and forthwith cancel the sale deed dated 29.07.1994 registered as Doc.No.497 of 1994 on the file of the second respondent herein.

For Petitioner : M/s.AL.Ganthimathi

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 directing the second respondent to and forthwith cancel the sale deed dated 29.07.1994 registered as Doc.No.497 of 1994 on the file of the second respondent.

2.The case of the petitioner is that the lands in S.No.114/A1A of Mookanur Village, Dharmapuri District was purchased by her husband by way of registered sale deed dated 16.02.1994, however, the third respondent filed suit in O.S.No.891 of 1994 before the District Munsif Court, Dharmapuri, for partition; 1/7 share in the property and for permanent injunction alleging that she purchased 1/7 share in the property by way of registered sale deed dated 29.07.1994 under Document No.497/1994 and the said suit was dismissed by judgment and decree dated 30.11.1998. After the demise of the petitioner's



husband she is in possession and enjoyment of the property as an absolute owner.

3.The further case of the petitioner is that when the petitioner tried to develop the property, the sale deed dated 29.07.1994 registered as Document No.497/1994 in favour of the third respondent was found in the Encumbrance Certificate. Hence, the petitioner made representation to the Official respondents seeking to cancel the sale deed dated 29.07.1994 and since the same has not yet been considered, has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court permits the petitioner to present the judgment and decree dated 30.11.1998 made in O.S.No.891 of 1994 by the District Munsif Court, Dharmapuri before the second respondent for registration and issue direction to the second respondent to pass appropriate orders, after hearing the petitioner as well as the third respondent, within a reasonable time frame, without going into the limitation aspect.

5.The learned Special Government Pleader raise no objection for the limited request now made by the learned counsel appearing for the petitioner.

6.Since this Court is not inclined to pass any adverse order as against the third respondent, notice to the third respondent is dispensed with.

7.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, permits the petitioner to present the judgment and decree dated 30.11.1998 made in O.S.No.891 of 1994 by the District Munsif Court, Dharmapuri before the second respondent for registration, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall pass appropriate orders, after hearing the petitioner as well as the third respondent and without going into the limitation aspect, within a period of twelve weeks thereafter.

8.This writ petition is accordingly disposed of. No costs.

Sd/-
Deputy Registrar(CS)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Dharmapuri.

2.The Sub-Registrar,
Sub-Registrar's Office I,
Dharmapuri.

Copy To

The District Munsif Court,
Dharmapuri

+1cc to Mrs.AL.Ganthimathi, Advocate Sr.No.37891

+1cc to the Government Pleader Sr.No.38828

W.P.No.10215 of 2022

EV(CO)
RVM(06/07/2022)