



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.10281 of 2022

Munithayamma

...Petitioner

vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram, Chennai - 600 028.
2. The Deputy Inspector General of Registration,
Salem.
3. The District Registrar,
Krishnagiri District,
Krishnagiri.
4. The Sub-Registrar,
Hosur & Taluk,
Krishnagiri District.
5. Anusuya

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4, particularly the 3rd respondent to consider the petitioner's representation dated 25.03.2022, sent for cancellation of the registered sale deed dated 22.01.1953, registered as Doc.No.1248/1953, SRO, Hosur and Gift Settlement Deed dated 19.07.2019, registered as Doc.No.12894/2019, SRO, Hosur, pertaining to the agriculture property, situated at Kalasthipuram Village, Hosur Taluk, Krishnagiri District, comprised in Survey No.1/2 (Old No.1), to an extent of 0.51 cents (0.20.5 Hectors).

For Petitioner : Mr.R.Thanjan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 4 particularly, the third respondent, to consider the petitioner's representation dated 25.03.2022 for cancellation of the registered sale deed dated 22.01.1953, registered as Doc.No.1248/1953, SRO, Hosur and Gift Settlement Deed dated 19.07.2019, registered as Doc.No.12894/2019, SRO, Hosur, pertaining to the agricultural property, comprised in Survey No.1/2 (Old No.1), of an extent of 0/51 cents (0.20.5 Hectors) situated at Kalasthipuram Village, Hosur Taluk, Krishnagiri District.

2. The case of the petitioner is that one Pedda Papaiah purchased the property in S.No.1/2(Old No.1), of an extent of 3.47 acres from one Hasan Saheb, vide Sale Deed dated 02.03.1944. After his demise, petitioner's father Goopaliappa was in possession and enjoyment of the above said property. Thereafter, the said Goopaliappa mortgaged the said land with the Co-operative Society Bank in the year 1955 and 1975 and the same was redeemed by the petitioner and the land was registered on 15.10.2020. Thereafter, petitioner is in possession and enjoyment of the said property. While that being so, earlier, in the year 1953, one Chinnaellagadu executed sale deed dated 22.01.1953 of an extent of 0.50 cents in favour of one Goopaliamma. Further, the said Goopaliamma extended to transfer 0.50 cents as 0.51 cents and executed a gift settlement deed on 19.07.2019 of an extent of 0.51 cents in favour of her grand daughter Anusuya, the fifth respondent herein. In order to cancel the aforementioned sale deed and gift settlement deed dated 22.01.1953 and 19.07.2019, petitioner made a representation dated 25.03.2022 to the respondents 1 to 4. Since the same was not considered by the respondents 1 to 4, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents 1 to 4 to consider the petitioner's representation dated 25.03.2022 and pass orders on merits within a particular time frame to be fixed by this Court.

4. The learned Special Government Pleader appearing for respondents 1 to 4 submitted that, admittedly, the petitioner claims title through the document registered in the year 1944,



and she further claims that the fraudulent documents were executed in the year 1953 and 2019. Hence, it appears that, the dispute between the petitioner and the fifth respondent is purely civil in nature. Thereafter, the petitioner made a representation before the respondents 1 to 4 on 25.03.2022, for cancellation of fraudulent documents in terms of Section 68(2) of the Registration Act, after a lapse of seven decades is not sustainable. Accordingly, he prays for dismissal of this Writ Petition.

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

6. Taking into consideration the facts and circumstances of the case, the petitioner claims that petitioner's grandfather Pedda Papaiah purchased the above said property in the year 1944, whereas the above said Chinnaelagadu executed a sale deed in favour of one Goopaliamma in the year 1953, thereby said Goopaliamma executed gift settlement deed in favour of fifth respondent in the year 2019. Without proper explanation, the petitioner made a representation before the respondents 1 to 4 on 25.03.2022, for cancellation of above said deeds dated 22.01.1953 and 19.07.2019, after a lapse of seven decades and the same is not sustainable. Hence, the prayer sought for by the petitioner cannot be granted.

7. Accordingly, this Writ Petition is dismissed, with liberty to the petitioner to work out her remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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



3. The District Registrar,
Krishnagiri District,
Krishnagiri.

4. The Sub-Registrar,
Hosur & Taluk,
Krishnagiri District.

+1cc to Mr.R.Thanjan, Advocate SR.No.29030
+1cc to the Government Pleader SR.No.30456

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GSM(CO)
GN(09/06/2022)