



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11732 of 2022

and

WMP.No.11193 of 2022

Veerendra Sivaraman

...Petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Court Campus,
Vellipalayam,
Nagapattinam 611 001.

2. The Sub Registrar,
Sub Registrar Office, Muthupettai,
Tiruvarur District 614 704.

3.S.Kala

...Respondents

PRAYER:This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus Directing the 2nd respondent to note the remark on the sale deed executed in favour of the 3rd respondent vide Doc. No. 1036 / 2009 dated 24.08.2009 and to pass an order restraining the 2nd respondent from further registering any documents or allowing the 3rd respondent to create any encumbrance on the properties comprised in S.No. 10/6 M and S. No. 10/11C measuring to an extent of 31 cents and 20 cents respectively situated at perugavzhndhan village, Mannarkudi taluk, muthukpettai sub registration District, Nagapattinam Registration District, based on the forged sale deed vide Doc. no. 1036 / 2009 dated 24.08.2009 by following the guidelines issued by the head of the Registration Department, Chennai in its Circular vide letter no.41530/U1/2017 dated 25.03.2022.

For Petitioner : Mr.D.Sreenivasan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



Order

This petition has been filed for issuance of writ of Mandamus to direct the 2nd respondent to note the remark on the sale deed executed in favour of the 3rd respondent and to pass an order, restraining the 2nd respondent from further registering any documents or allowing the 3rd respondent to create any encumbrance on the properties

2. The case of the petitioner is that on 20.06.2005, his son had entered into a Sale Agreement with some third parties, viz, AMS Ramakrishnan, AMS.Sivasubramanian, Kalyani, Thilagavathi, Santha and they had executed a Sale Deed in favour of his son and ever since the purchase of the property, the petitioner's son is in possession of the said property and the revenue records also mutated in his name. While so, recently the 3rd respondent and her husband Sambasivam tried to trespass into the property and immediately when the petitioner applied for encumbrance certificate, it came to his knowledge that the properties in question has been sold to the 3rd respondent. Hence, the petitioner has given a complaint before the 2nd respondent on 20.09.2021, requesting to cancel the subsequent document created in favour of the 3rd respondent. Since there was no reply, he had sent another complaint to the 1st respondent on 28.09.2021. However the 1st respondent has dismissed the complaint and directed the parties to approach the Civil Court. Aggrieved by the same, the petitioner is before this Court.

3.The learned counsel appearing for the petitioner submitted that challenging the said dismissal order of the 1st respondent dated 01.03.2022, the petitioner had preferred an appeal before the Inspector General of Registration and further in the meanwhile, the 3rd respondent is also taking effecting steps to alienate the property. Therefore, it would suffice if this Court permits the petitioner to avail the appeal remedy before the appellate authority, since appropriate appeal has been filed before the IG of Registration.

4.The learned Special Government Pleader appearing for the official respondents has no serious objections for the said order being passed.

5.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case permits the petitioner to avail the appropriate appeal remedy before the appellate authority.



6.This writ petition is accordingly disposed of. No costs.
Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
District Registrar Office,
Court Campus,
Vellipalayam,
Nagapattinam 611 001.

2. The Sub Registrar,
Sub Registrar Office, Muthupettai,
Tiruvarur District 614 704.

+2cc to M/s.Jaiharisudhan, Advocate, S.R.No.32290

+1cc to the Government Pleader, S.R.No.33715

W.P.No.11732 of 2022

PMK(CO)
RGA(23/06/2022)