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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.11079 of 2022

Mr.S.Devaraj

...Petitioner

vs.

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road, Mylapore,
Foreshore Estate, Chennai - 600 028.
2. The District Registrar,
Office of the District Registrar,
Cheyyar, Cheyyar Taluk,
Thiruvannamalai District.
3. The Sub-Registrar,
Office of the Sub-Registrar of Arani,
Arani, Arani Taluk,
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 22.02.2022 and to cancel the documents registered in favour of the third parties vide document Nos.4783/2006 and 2683/2020 in the office of the Sub-Registrar at Arni.

For Petitioner : Mr.G.Ilamurugu

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 to consider the representation of the petitioner, dated 22.02.2022 and to cancel the documents registered in favour of the third parties, vide document Nos.4783/2006 and 2683/2020 in the office of the Sub-Registrar at Arni.



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2. The case of the petitioner is that the petitioner's grandfather, viz., Aarimuthu Pillai purchased the land situated at Punalapadi Village, Cheyyar Taluk, Thiruvannamalai District of an extent of 6 cents in Survey No.317/6 and another 6 cents in Survey No.317/4 by virtue of a registered sale deed dated 27.02.1961 and registered as Document No.667/1961. After his demise, the petitioner was the lawful owner of the said property. Thereafter, one Chinnadurai had purchased the property of an extent of 12 cents out of 18 cents in Survey No.317/4 by virtue of a registered sale deed dated 11.09.1995 and registered as Document No.3008/1995. After coming to know about the fraudulent transfer made by the third parties, the petitioner has made a representation dated 22.02.2022 to the respondents. However, till date, the petitioner's representation was not considered by the respondent, the petitioner has come before this Court with the aforesaid prayer.

3. The learned counsel for the petitioner submits that, originally, the said land belongs to one Aarimuthu Pillai. After the demise of Aarimuthu Pillai, the petitioner was in possession of the said land. However, the learned counsel for the petitioner prays that this Court may permit the petitioner to file appropriate suit before the competent Civil Court.

4. The learned Special Government Pleader appearing for the respondents submitted that, since the issue involved in the present case is purely Civil in nature, it can only be dealt with by a competent Civil Court and not by the Revenue officials.

5. Considering the facts and circumstances of the case, since the issue involved in the present case is disputed question of facts, it cannot be decided by the Revenue Officials or by this Court under Article 226 of the Constitution of India. Hence, this Court grants liberty to the petitioner to file appropriate suit before the competent Civil Court.

6. With the above observations, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mp/anu



To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road, Mylapore,
Foreshore Estate, Chennai - 600 028.
2. The District Registrar,
Office of the District Registrar,
Cheyyar, Cheyyar Taluk,
Thiruvannamalai District.
3. The Sub-Registrar,
Office of the Sub-Registrar of Arani,
Arani, Arani Taluk,
Thiruvannamalai District.

+1cc to Mr.G.Ilamurugu, Advocate, S.R.No.29539

+1cc to the Government Pleader, S.R.No.30886

W.P.No.11079 of 2022

SPD(CO)
SU(02/06/2022)