



WEB COPY



WP.No.26096 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.26096 of 2022

L.Vijaya

.. Petitioner

Versus

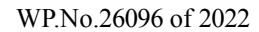
1.The Sub Registrar
Joint I SRO, South Chennai
Saidapet, Chennai – 600 015
Chennai – 600 005

2.The District Registrar (Admin)
South Chennai
No.537, Fenpet, Nandanam
Chennai – 600 035

3.Arya Samaj (Central) Trust Board (reg)
Rep by its Managing Trustee
No.212/213, Avvai Sanmugam Salai
Chennai – 600 086

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd Respondents to consider the application dated 13.08.2022 to cancel the Sale Deed Document No. 2099 of 2000 dated 26.03.1997 and 2100 of 2000 dated 27.03.21997 executed in favour of 3rd Respondent pertaining to petition property situated at Pallikrani Village Sholinganallur Taluk Chengalpattu District Registration District of Joint I S.R.O. Saidapet comprised in Survey No. 128/1 measuring



For Petitioner : Mr.T.Ramachandran

For Respondents : Mr.C.Kathiravan
Special Government Pleader

This writ petition is filed seeking to direct the 1st and 2nd Respondents to consider the application dated 13.08.2022 to cancel the Sale Deed Document No. 2099 of 2000 dated 26.03.1997 and 2100 of 2000 dated 27.03.21997 executed in favour of 3rd Respondent pertaining to petition property situated at Pallikrani Village Sholinganallur Taluk Chengalpattu District Registration District of Joint I S.R.O. Saidapet comprised in Survey No. 128/1 measuring an extent of 35 Cents and in Survey No. 127 measuring an extent of 38 cents totally 73 Cents.

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2099 and 2100 of 2000 on the file of SRO, Joint-I, Saidpet. Hence, the petitioner made a representation to the respondents on 13.08.2022 seeking to cancel the above sale deeds executed in favour of the third respondent, which is pending without consideration. Hence, this petition.

3. Heard both sides and perused the materials placed on record. Admittedly, the facts of the present case are not in dispute. On perusal of the sale deeds would reveal that the said power agent namely Mrs.Neela, executed sale deeds in favour of the third respondent using the General Power of Attorney granted to her vide Doc.No.481 of 1996, on the file of SRO, Joint – I, Saidpet. However, the said Power of Attorney in Doc.No.481 of 1996 is not placed before this Court. In the present case, the sale deeds were executed in favour of the third respondent and the petitioner claims to be the second class legal heirs. However, certificate conferring the petitioner as the class II legal heir is also not placed before this Court. It is to be noted that the revenue officials have no power to issue class II legal heirship certificate, it has to be obtained only by way of Civil Court. The certificate placed before this Court is only a relationship certificate. Therefore, this Court is of the view that the issue herein is only a mixed question of facts which cannot be ventured into by this Court at this circumstances.



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WEB COPY 4. Hence, the prayer sought for by the petitioner cannot be granted and this writ petition is dismissed in limine with the above observations. No costs.

29.09.2022

dhk

Index: Yes/No

Internet: Yes/No

To

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M. DHANDAPANI, J.

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