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W.P.No.29719 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.29719 of 2022

M.Anbazzhagan

... Petitioner

Vs.

1. The District Registrar,
Office of the District Registration Department,
Government of Puducherry,
Saram, Puducherry 605 013.

2. The Sub-Registrar,
Office of the District Registration Department,
Government of Puducherry,
Saram, Puducherry 605 013.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first and second respondents to consider petitioner representation dated 05.04.2022 & 07.04.2022 by cancelling the Release Deed Doc.No.3497/2007 and the subsequent sale deed Doc Nos. (1)3393/2016, (2)26806/2016, (3)27048/2016, (4)27137/2016, (5)27138/2016, (6)3637/2016, (7)3638/2016, (8)2885/2018, (9)3155/2018, (10)944/2018, (11)19567/2018, (12)19569/2018, (13)16704/2022 and (14)20865/2022.



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For Petitioner : M/S.K.Shyam Sunder
For Respondents : Mr.J.Kumaran
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the first and second respondents to consider the petitioner's representations dated 05.04.2022 & 07.04.2022 by cancelling the Release Deed Doc.No.3497/2007 and the subsequent sale deed Doc Nos. (1)3393/2016, (2)26806/2016, (3)27048/2016, (4)27137/2016, (5)27138/2016, (6)3637/2016, (7)3638/2016, (8)2885/2018, (9)3155/2018, (10)944/2018, (11)19567/2018, (12)19569/2018, (13)16704/2022 and (14)20865/2022.

2. The case of the petitioner is that, the disputed property comprised in T.S.No.6/3, R.S.No.217/3, 217/4 situated at Murungapakkam, Puducherry, originally belongs to the Trust namely, "ANNAI THERESA ARAKATTALAI" which was formed by one Durai Narayanasamy, Tmt. Raghu Ammal and Tmt.Suriya Vijayakumari and Janaki, who is the daugther-in-law of deceased Tmt.Suriya Vijayakumari



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and one Kathirolu is the husband of Janaki and son of Tmt.Suriya Vijayakumari and Mr.Durai Narayanasamy, and also grandson of Tmt.Raghu Ammal. The above said trust members had executed a Power of Attorney in favour of the petitioner on 04.01.2007 and subsequently, the above said trust members alienated the aforesaid property in favour of the petitioner vide Sale Deed, dated 06.03.2007 for the purpose of construction and maintenance of Vijayasurya Apartments. The petitioner under threat and coercion was forced to execute a release deed in favour of said Janaki, pursuant to which, the said Janaki alienated the aforesaid property in favour of different persons. Therefore, the petitioner made representations dated 05.04.2022 and 07.04.2022 before the first respondent, seeking cancellation of said release deed and sale deeds in favour of some third parties. Since the said representations were not considered by the respondents, the petitioner had filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that, the release deed obtained by the said Janaki, vide Doc.No.3497 of 2007 was under threat and coercion and subsequently the said Janaki alienated the



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aforesaid property in favour of some third parties, which act is invalid.

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Further, he submitted that the first respondent/District Registrar has power to cancel any fraudulent release deed and sale deed, and accordingly, this Court may issue a direction to the first respondent to consider the petitioner's representations dated 05.04.2022 and 07.04.2022 and pass orders on the same within a stipulated time that may be fixed by this Court.

4. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. The petitioner claims that he obtained a power of attorney in the year 2007 from the trust members namely, Raghu Ammal, Durai Narayanasamy, Suriya Vijayakumari and Janaki and subsequently, the sale deed was executed in favour of the petitioner by the above said persons. Thereafter, release deed was obtained by the said Janaki from the petitioner under threat and coercion wherein after the said Janaki alienated the aforesaid property in favour of different persons. However, the fact



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remains that the petitioner filed a Suit in O.S.No.2392 of 2013 before the Additional District Munsif Court, Puducherry against the said Janaki and Durai Narayanasamy and also the Sub Registrar/first respondent herein which was dismissed on 05.07.2014 and liberty was given to the petitioner to seek appropriate remedy with regard to unsold flats. In view of the fact that Civil Court has already passed an order, which has not been challenged by the petitioner, the prayer sought for in this Writ Petition cannot be granted as the relief for the petitioner has elsewhere and not before this Court.

6. Accordingly for the reasons aforesaid, this Writ Petition is dismissed. No costs.

10.11.2022

Speaking Order : Yes/ No

Internet: Yes/ No

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To

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M.DHANDAPANI, J.
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