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W.P.No.28976 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.28976 of 2022

V.Mageswaran

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
1st Floor, Chengalpattu Taluk,
Chengalpattu District.

2.The Sub-Registrar,
Thiruporur Sub-Registration Office,
Thiruporur, Chengalpattu District.

3.S.E.Sudhakar, S/o.Elumalai,
Proprietor of Viswak Construction
Private Limited,
No.45/22, Alagesan Street,
West Tambaram, Chennai – 600 045.

4.L.Rajesh Kannan
Respondents

...

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 13.05.2022 and 14.10.2022 requesting to cancel Sale Deed 22.03.2022 registered as Document No.5865 of 2022 executed by the 4th respondent in favour of 3rd respondent herein.

For Petitioner : Mr.S.V.S.Ilamvazhuthi



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For Respondents : Mr.Kathiravan for RR1 & 2
Additional Government Pleader

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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent herein to consider the petitioner's representation dated 13.05.2022 and 14.10.2022 requesting to cancel Sale Deed 22.03.2022 registered as Document No.5865 of 2022 executed by the 4th respondent in favour of 3rd respondent herein

2. Since no adverse order is being passed against the private respondents, notice to the private respondent is dispensed with.

3.The case of the petitioner is that he is the owner of the property, having being purchased the same under a Deed of sale dated 04.07.2016 registered as Document No.7841 of 2016, comprised in S.No.55/1E3A, Patta No.1040, as per Patta New Survey No.55/1E3A2, measuring to an extent of 37 Cents and Patta No.55/13 was issued and all other Revenue Records were mutated in favour of the petitioner with respect to the 37 Cents. When the petitioner obtained Encumbrance Certificate from the 2nd respondent, he came to know that the 4th respondent executed a Sale Deed registered as Doc.No.5865 of 2022 dated 22.03.2022 in favour of the 3rd respondent for



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the entire extent of 60 Cents comprised in S.No.55/1E3A2, out of which 37 Cents was purchased by the petitioner. While so, the petitioner made a representation dated 25.05.2022 to the 1st respondent for cancellation of the above said sale deed dated 22.03.2022 and the 1st respondent issued a notice dated 28.06.2022 bearing Na.Ka.No.2916/Aa3/2022 for appearance of the petitioner and the private respondents herein. All the interested parties appeared on 20.07.2022 and an enquiry was conducted and further it was adjourned for further proceedings. However, the 1st respondent did not take any steps on the same. Thereafter, a reminder letters dated 17.08.2022 and 14.10.2022 was sent to the 1st respondent, but, till date, the same was not considered. Therefore, the petitioner has come forward with the present Writ Petition.

4.The learned counsel for the petitioner submits that the petitioner made an application representation dated 25.05.2022 to the 1st respondent for cancellation of the said sale deed registered as Doc.No.5865 of 2022 dated 22.03.2022. Pursuant to which the 1st respondent issued notice calling for the interested parties including the petitioner and conducted an enquiry. However, the proceedings were not concluded and no order was passed. Hence, he prayed for allowing this Writ Petition.



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6. Considering the limited prayer sought for in this Writ Petition, since the issue is already pending on the file of the 1st respondent, this Court directs the 1st respondent to conclude the proceedings dated 28.06.2022 on merits and in accordance with law after affording opportunity to all the parties concerned and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs.

03.11.2022

Index : Yes / No
Speaking order: Yes/ No
gba

To

1. The District Registrar,
Registration Department,
1st Floor, Chengalpattu Taluk,

<https://www.mhc.tn.gov.in/judis>



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Chengalpattu District.

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2. The Sub-Registrar,
Thiruporur Sub-Registration Office,
Thiruporur, Chengalpattu District.



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M.DHANDAPANI, J.

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