



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.235 of 2022

WEB COPY

Seranthayan

... Petitioner

vs.

1.The District Registrar,
(Registration Department),
Thoothukudi District,
No.29, Masilamanipuram 3rd Street,
Central Bus Stand,
Thoothukudi 628 002.

2.The Sub Registrar,
Pudukottai,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 01.10.2021 to cancel the Document No.204/2001, dated 12.02.2001 which is registered by the second respondent.

For Petitioner : Mr.G.Anbucchezheian

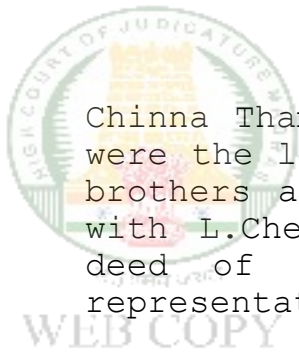
For Respondents : Mr.D.Ghandiraj
Special Government Pleader

O R D E R

Mr.D.Ghandiraj, learned Special Government Pleader, takes notice for the respondents.

2.The writ petition has been filed in the nature of Writ of Mandamus, seeking consideration of a representation dated 01.10.2021 to cancel the particular sale deed registered as Document No.204/2001 on 12.02.2001 in the office of the second respondent/Sub Registrar, Pudukottai, Thoothukudi District.

3.It is stated that the petitioner was the heir of several ancestral properties at S.No.55, measuring 5.18 acres and 1/3 of a cent in Kootudankadu Village, South of Allikulam Village, Thoothukudi District. The petitioner's grandfather, Shanmugampillai had three sons, namely, Anavaratham, Vallinayakam and Ilaya Perumal. The petitioner is a son of Vallinayakam. There was a partition deed among all of them in the year 1970. The petitioner's father passed away on 18.03.1984. Thereafter, his mother, Pichiyammal and his brothers and sisters, namely, Ilayaperumal, Arumugam, Ponnammal,



Chinna Thampi, Sankaran, Muthulatsumi, Shanmugam and the petitioner were the legal heirs. It is stated that without the consent of the brothers and sisters, the mother Pichiyammal dealt with a property with L.Chelladurai s/o. Lakshmana Pillai and had also executed a deed of sale on 12.02.2001. Now the petitioner filed the representation seeking cancellation of the sale deed.

4.The learned counsel for the petitioner stated that the mother had executed the sale deed without consulting her children. There is no necessity to consult the children if the petitioner's mother had purchased the property. Even otherwise, if the petitioner had an existing right title and interest over the property at the time of the sale deed was executed, the only appropriate manner to question the said sale deed is to file a suit seeking appropriate relief.

5.It is pointed out by Mr.D.Ghandiraj, learned Special Government Pleader that there was another executant in the sale deed and therefore, the representation can never be addressed by the respondents. It is also informed that the mother of the petitioner had unfortunately died way back in the year 2014.

6.The *bona fide* of a transaction entered into by her can never be now examined and determined, since she is not alive to speak up regarding the surroundings circumstances which compelled her to execute the sale deed. The writ petition of the nature now filed will not lie and therefore, the same is dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Registrar,
(Registration Department),
Thoothukudi District,
No.29, Masilamanipuram 3rd Street,
Central Bus Stand,
Thoothukudi 628 002.



2.The Sub Registrar,
Pudukottai,
Thoothukudi District.

+1 CC to M/s.G.MANDHIRALINGESWARAN, Advocate (SR-871[F] dated
07/01/2022)

+1 CC to M/s.SPL.GP (SR-1022[F] dated 10/01/2022)

W.P. (MD) No.235 of 2022
07.01.2022

RD(28.01.2022) 3P 5C