



W.P(MD)No.8824 of 2011

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8824 of 2011

and

M.P(MD)No.1 of 2011

Bhagavathi

... Petitioner

Vs.

1.The Sub Registrar,
Valliyoor,
Tirunelveli.

2.Arokiya Manuel Raj

3.Latha

4.Kanniappan

... Respondents

5.M.Sundar

... Proposed Respondent

(R5 is impleaded vide Court order, dated
07.07.2022 in M.P(MD)No.1 of 2013)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuance of the Proceeding in pertaining in Document No.

1/5



W.P(MD)No.8824 of 2011

4001/2009 dated 16.09.2009 executed by the fourth respondent in favour of third respondent on the file of first respondent and quash the same as illegal.

For Petitioner : Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.R.Manimaran

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader
for R1
Mr.B.Muneeswaran
for R2
Mr.V.S.Balamurugan
for R3
Mr.K.Sudalaiyandi
for R4
Mr.H.Arumugam
for R5

ORDER

The present writ petition has been filed challenging the registration of a document, under which a sale deed was cancelled.

2. The learned senior counsel appearing for the petitioner had contended that Survey No.1652/6A was conveyed to the petitioner by way of an exchange deed on 31.05.2006 in Document No.1153/2006.



W.P(MD)No.8824 of 2011

Thereafter, the revenue records were also mutated in the name of the writ petitioner. However, after executing the said document, the sale deed executed by the fourth respondent in favour of the third respondent, from whom he has purchased the property has been cancelled after a period of 13 years. The said cancellation deed has also been registered by the first respondent. Hence, he contended that once a sale deed has been executed and registered, the same cannot be unilaterally cancelled by the vendor. Based upon the said ground, the present writ petition has been filed.

3. However, the learned senior counsel brought to my notice about the pendency of O.S.No.36 of 2011 on the file of District Munsif Court, Valliyoor. The said suit has been filed by one Arokiya Manuel Raj, from whom the writ petitioner has got exchange of the properties. In the said suit, the respondents in the present writ petition are also the parties as defendants. The said suit has been filed for the relief of declaration that certain cancellation deeds on the file of Sub Registrar, Valliyoor are not binding upon the plaintiff. In the said prayer, the present Document No.4001/2009 has also been put to challenge.



W.P(MD)No.8824 of 2011

WEB COPY

4. In view of the above said facts that when the cancellation of a particular sale deed is under challenge before a competent civil Court and the petitioner and the respondents in the writ petition are also parties before the Civil Court, it would be appropriate for the Civil Court to decide the said issue. In such circumstances, the present writ petition is disposed of, granting liberty to the writ petitioner to get himself impleaded in O.S.No.36 of 2011 to defend his title.

5. With the above said observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

06.07.2022

gbg

Index : Yes / No

Internet : Yes / No

To

The Sub Registrar,
Valliyoor,
Tirunelveli.

4/5



WEB COPY



W.P(MD)No.8824 of 2011

R.VIJAYAKUMAR ,J.

gbg

Order made in
W.P(MD)No.8824 of 2011

Dated:
06.07.2022