



W.P(MD)No.2382 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2382 of 2013

and

M.P(MD)No.1 of 2013

Thangaraj

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Tiruchirapalli.

2.Kumuthavalli

... Respondents

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 of the 1st respondent vide his proceedings in Na.Ka.No. 8075/AA1/2012 dated 01.08.2012 and to quash the same.

For Petitioner : Mr.S.Dheena Dhayalan

For R1 : Mr.S.R.A.Ramachandran
Additional Government Pleader

For R2 : Mr.R.Sundar



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ORDER

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The present writ petition has been filed challenging an order passed by the first respondent herein, under which he has cancelled the sale deed in favour of the writ petitioner dated 28.12.1995.

2. According to the petitioner, he has purchased Survey Nos. 294/4C having an extent of 83 cents and 293/3 having an extent of 4.22 acres. After purchasing the property, according to the petitioner, the revenue records were mutated in his name and he is in enjoyment of the property.

3. The learned counsel for the petitioner has contended that the second respondent herein has purchased the property on 28.03.2002 from persons, who do not have any title over the property. Thereafter, the second respondent made an application to the first respondent for cancellation of the sale deed in favour of the writ petitioner. After going through the documents, the first respondent herein has cancelled the sale deed in favour of the writ petitioner in its entirety. Hence, the present writ petition.



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4. According to the learned counsel for the petitioner, the survey number in dispute is 293/3, having an extent of 4.22 acres. The learned counsel appearing for the second respondent has contended that he had purchased the same i.e., Survey No.293/3 having an extent of 1.55 acres. According to the learned counsel for the second respondent, second respondent has purchased it from the real owners. Hence, the sale deed in favour of the writ petitioner is not valid and he prayed for sustaining the order impugned in the writ petition.

5. I have carefully considered the submissions made on either side.

6. A perusal of the order impugned in the writ petition indicates that the petitioner has purchased 4.22 acres in Survey No.293/3 under a registered sale deed, dated 28.12.1995. The second respondent has purchased an extent of 1.55 acres in the same survey number by way of a sale deed, dated 28.03.2002. However, the first respondent has proceeded to cancel the sale deed in favour of the writ petitioner in entirety, thereby declaring the sale deed as void to the entire extent of 4.22 acres. Hence, the learned counsel for the petitioner, on instructions submitted that the



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sale deed in favour of the writ petitioner excluding an extent of 1.55 acres purchased by the second respondent herein may be held to be valid.

7. On instructions, the learned counsel for the petitioner submits that the property purchased by the second respondent herein under a sale deed, dated 28.03.2002 in Document No.2347/2002 may be excluded and for the balance portion, the sale deed of the writ petitioner in Document No.3231, dated 28.12.1995 may be held to be valid. The learned counsel for the petitioner also pointed out that his sale deed in Survey No.293/4C may be confirmed. On instructions, the learned counsel for the second respondent has also agreed for the same.

8. In view of the above said submissions, the order impugned in the writ petition is set aside to the extent of 2.67 acres in Survey No. 293/3. The balance extent of 1.55 acres belongs to the second respondent in Survey No.293/3. As far as Survey No.293/4C for an extent of 0.83 cents is concerned, the sale deed in favour of the writ petitioner is confirmed. The revenue authorities are directed to grant patta with regard to the above mentioned extent to the respective parties.



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9. With the above said observations, this Writ Petition stands allowed to the above stated extent. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No

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To

The District Registrar,
District Registrar Office,
Tiruchirapalli.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.2382 of 2013

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