



W.P(MD)No.9910 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9910 of 2013

and

M.P(MD)Nos.1 and 2 of 2013

K.Ramachandran

... Petitioner

Vs.

1.The District Registrar,
Kumbakonam District Registration Office,
Kumbakonam,
Thanjavur District.

2.Mohana

3.Malarvezhi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings in No.618/DS/2012 on the file of the respondent dated 30/04/2012 quash the same and consequently direct the respondent to cancel the registrationis made by said Mohana in favour of third parties in respect of the properties of the petitioner .



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For Petitioner : Mr.G.Gomathi Sankar
For R1 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R2 : No Appearance
For R3 : Mr.G.Sridharan

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which a sale deed executed by the writ petitioner in favour of third parties was declared to be null and void.

2. According to the petitioner, he had executed a power deed in favour of the second respondent herein, who had alienated the property in favour of the third respondent. The second respondent, namely, the power agent has not paid the sale consideration to the writ petitioner. Thereafter, the petitioner was forced to alienate the property for the second time in favour of the third parties, namely Kalyanaraman, Balaji, Shanthi and Mariyammal. Aggrieved over the same, the third respondent had lodged a complaint before the first respondent herein for cancelling



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the second sale deed executed by the writ petitioner in favour of third parties. After conducting an enquiry, the first respondent came to a finding that once the petitioner has executed a sale deed in favour of the third respondent, thereafter, he cannot execute a second sale deed in favour of the third parties and proceeded to hold that the sale deed in favour of the third parties is null and void. The said order is under challenge in the present writ petition.

3. The learned counsel for the petitioner submits that the first respondent has no jurisdiction, whatsoever to declare a document as null and void. The dispute being a civil dispute, he should not have interfered at the instance of the third respondent herein.

4. Per contra, the learned counsel for the third respondent had contended that the writ petitioner had already filed a civil suit as against the third respondent for seeking permanent injunction, which was dismissed after contest. He further contended that the third parties, in whose favour a sale deed was executed by the writ petitioner have not chosen to challenge the order passed by the first respondent herein.



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5. The learned counsel for the first respondent had contended that the petitioner has committed fraud by executing two sale deeds in favour of different persons at two different point of time. Hence, the second sale deed should only be construed to be a fraudulent sale deed. Therefore, the interference made by the first respondent invoking circular 67, dated 03.11.2011 cannot said to be legal.

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

7. It could be seen from the records that the petitioner has executed a first sale deed in favour of the third respondent through his power agent, namely the second respondent. Thereafter, the petitioner has chosen to execute another sale deed in favour of some third parties. The said beneficiaries, who are third parties to the writ petitioner have not challenged the order passed by the first respondent. Hence, the petitioner has no *locus standi*, whatsoever to challenge the order passed by the first respondent herein. The petitioner has sold it to the third respondent and thereafter, has executed a sale deed in favour of some third parties. Viewed from any angle, the petitioner does not have any title to the property. That apart, the petitioner had filed a civil suit and the said suit has already been dismissed.



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8. In view of the said facts, I do not find any merits in the present writ petition. This Writ Petition stands dismissed. The order passed in the present writ petition shall not be a bar for the writ petitioner to initiate any appropriate civil proceedings as against the third respondent, if he is so advised. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.09.2022

Index : Yes / No
Internet : Yes / No

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To

The District Registrar,
Kumbakonam District Registration Office,
Kumbakonam,
Thanjavur District.



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R.VIJAYAKUMAR ,J.

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Order made in
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