



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.2969 of 2022

Sadagopan

... Petitioner

/Vs./

1.The District Registrar,
Palayamkottai District Registrar Office,
Palayamkottai, Kokkarikulam,
Tirunelveli.

2.The Sub-Registrar,
Murappanadu Sub-Register Office,
1/34, Sub-Registrar Office Road,
Murappanadu,
Sirvaikundam Taluk,
Tuticorin District - 628 252.

3.P.R.Jothikrishnan

4.K.Ulaganathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st Respondent herein to cancel the sale deed bearing the registration no.1140/2021 dated 07.04.2021, duly registered by the 2nd respondent herein in respect of the petitioner's property in Survey No. 25/1F2, situated at Parpakula Village, Palayamkottai Taluk, Tirunelveli District, based on the petitioner's representation dated 22.11.2021 in accordance with law and within stipulated period.

For Petitioner

: Ms.A.Banumathy

For R1 & R2

: Mr.J.John Rajadurai

Government Advocate

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the first respondent to cancel the sale deed bearing registration no.1140/2021 dated 07.04.2021, registered by the 2nd respondent in respect of the property in Survey No. 25/1F2, situated at Parpakula Village, Palayamkottai Taluk, Tirunelveli District, based on the petitioner's representation dated 22.11.2021, within a time frame to be fixed by this Court.



2. Heard Ms.A.Banumathy, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice for the respondents 1 and 2.

3. The learned Government Advocate appearing for the respondents 1 and 2 has placed before this Court an order dated 14.09.2020 passed by the respondents 1 and 2, rejecting the earlier representation submitted by the petitioner seeking for cancellation of aforementioned sale deed on the ground that the petitioner has not produced documents/evidences in respect of his case. As seen from the typed set of papers, the order dated 14.09.2020 also finds a place as Document No.2 in the typed set of papers.

4. The learned counsel for the petitioner submits that subsequent to the said order, an order has been passed by the learned Single Judge of this Court in WP(MD)No.10177 of 2021 dated 17.06.2021, wherein the learned Single Judge of this Court has also held that in case fraudulent registration has been proved, registered documents can be cancelled.

5. According to the learned counsel for the petitioner, the petitioner is willing to produce all relevant documents/evidences before the respondents to substantiate his case that the registration of the sale deed done by the respondents on 07.04.2021 is a fraudulent registration.

6. No prejudice would be caused to the petitioner as well as the respondents, if the representation of the petitioner dated 22.11.2021 is considered by the first respondent, on merits and in accordance with law, in the light of the decision rendered by the learned Single Judge of this Court on 17.06.2021 in W.P.(MD)No.10177 of 2021 and pass final orders, after affording a fair hearing to the petitioner as well as the respondents 3 and 4, in whose names the sale deed stands.

7. Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 22.11.2021 seeking for cancellation of sale deed bearing Registration No.1140/2021 dated 07.04.2021, in respect of the property in Survey No.25/1F2, situated at Parpakula Village, Palayamkottai Taluk, Tirunelveli District and pass final orders on merits and in accordance with law and in the light of the decision rendered by a learned Single Judge of this Court in the case of **S.R.M.Packiri Rajan vs. the Inspector General of Registration, Registration Department and others** dated 17.06.2021 in WP(MD)No.10177 of 2021, after affording a fair hearing to the petitioner and the respondents 3 and 4, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

WEB COPY

/ /2022

Sub Assistant Registrar(CS)

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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,
Palayamkottai District Registrar Office,
Palayamkottai, Kokkarikulam,
Tirunelveli.
2. The Sub-Registrar,
Murappanadu Sub-Register Office,
1/34, Sub-Registrar Office Road,
Murappanadu,
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Tuticorin District - 628 252.

+1 CC to M/s.SPL GP (SR-6447[F] dated 15/02/2022)

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15.02.2022

MGJ(01.03.2022) 3P 4C