



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.3991 of 2022

P.Mani

... Petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Thoothukudi District.

2. The Sub Registrar,
Thoothukudi Melur Sub Registrar Office,
Thoothukudi District.

3. C.Sam Devadasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.1 to pass appropriate orders on the representation made by the petitioner dated 11.02.2022 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R1 & R2

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's representation dated 11.02.2022 seeking for cancellation of the sale deed dated 29.10.2012 registered as Document No.3958 of 2012 executed in favour of the third respondent within a time frame to be fixed by this Court.

2.According to the petitioner, the property purchased by the third respondent under the aforementioned sale deed belongs to Sri Aulmighu Sudalaimadasamy Thirukovil situated at Periyannayagipuram, Korampallam, Thoothukudi District. According to him, fraudulently the third respondent has obtained a sale deed in his name though the property is owned by the aforementioned temple. In such



circumstances, the petitioner has given a representation dated 11.02.2022 seeking for cancellation of the aforementioned sale deed. Since the said representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.I.Pinaygash, learned Counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of respondents 1 and 2.

4. On instructions, learned Additional Government Pleader would submit that the sale deed which the petitioner seeks to be cancelled is of the year 2012. No reasons have been given for the inordinate delay in giving the representation to the first respondent calling for cancellation of the sale deed. The said statement is recorded.

5. No prejudice would be caused to the official respondents if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the third respondent.

6. The question of latches can also be decided by the first respondent while passing final orders pursuant to the directions given by this Court today. Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 11.02.2022 seeking for cancellation of the sale deed dated 29.10.2012 executed in favour of the third respondent registered as Document No.3958 of 2012 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the third respondent and any other necessary party the first respondent deems fit to enquire within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Crl.Side)

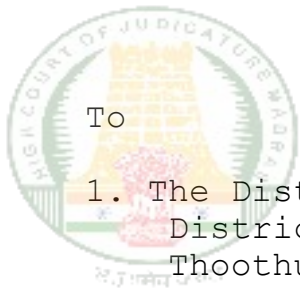
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/ /2022

Sub Assistant Registrar

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The District Registrar,
District Registrar Office,
Thoothukudi District.

2. The Sub Registrar,
Thoothukudi Melur Sub Registrar Office,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-10360[F] dated 07/03/2022)

ORDER MADE IN
W.P.[MD]No.3991 of 2022
04.03.2022

MR
MS/18.03.2022/3P.4C