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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.03.2022
CORAM:
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
W.P.[MD]No.5805 of 2022

S.Senthilkumar ... Petitioner

Vs.

1. The District Registrar,
   Periyakulam Registration District,
   Theni District,
   Theni-625 531.

2. The Sub Registrar,
   Periyakulam Registration District,
   Theni District,
   Theni-625 531.

3. Govindaraj
4. Shenbagavalli
5. Seethalakshmi
6. J.M.H.Imrankan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to dispose petitioner's representation dated 16.02.2021 requesting for cancellation of sale deed dated 21.01.2021 in Document No.506/2021 on the file of the 2nd respondent.

For Petitioner : Mr.A.Jeyaram
For Respondents 1&2 : Mr.S.Shanmugavel
Additional Government Pleader

O R D E R
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This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to dispose of the petitioner's representation dated 16.02.2021 requesting for cancellation of sale deed dated 21.01.2021 registered as Document No.506/2021 on the file of the second respondent, within a time frame to be fixed by this Court.

2.The case of the petitioner is that the petitioner's father and the third, fourth and fifth respondents jointly purchased some properties in the years 1983 and 1985 by registered sale deeds. According to him, thereafter some disputes arose among themselves and a partition suit came to be filed in respect of the said property.

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3.According to the petitioner, a preliminary decree came to be passed in respect of the very same property. It is the case of the petitioner that even without obtaining a final decree, clandestinely, the third and fourth respondents have executed and registered a sale deed dated 21.01.2021 registered as Document No.506/2021 in favour of the sixth respondent. In such circumstances, the petitioner claims that the said sale deed is a fraudulent sale deed. The petitioner has given a representation dated 16.02.2021 to the official respondents requesting for cancellation of the aforementioned sale deed on the ground that it is a fraudulent registration. Since the representation has not been considered till date, the petitioner has filed this writ petition.

4.Heard Mr.A.Jeyaram, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2.

5.No prejudice would be caused to the official respondents if the representation of the petitioner dated 16.02.2021 is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the respondents 3 to 6 within a time frame to be fixed by this Court.

6.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 16.02.2021 requesting for cancellation of the sale deed dated 21.01.2021 registered as Document No.506/2021 on the file of the second respondent and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the respondents 3 to 6 including granting them the right of personal hearing within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(AS)

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/ /2022
Sub Assistant Registrar(CS)

MR

To
1. The District Registrar,
   Periyakulam Registration District,
   Theni District,
   Theni-625 531.

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2. The Sub Registrar,
Periyakulam Registration District,
Theni District,
Theni-625 531.

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3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1 CC to M/s.A.JEYARAM, Advocate (SR-15621[F] dated 31/03/2022)

+1 CC to M/s.SPL GP (SR-16094[F] dated 01/04/2022)

ORDER MADE IN
W.P.[MD]No.5805 of 2022
31.03.2022

MK/07.04.2022/3P/6C

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