



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD) No. 6163 of 2022

K.Natesan

.. Petitioner

Vs

1.The District Registrar,
Integrated Complex,
Jeyamkondam Road,
Ariyalur & District.

2.The District Registrar,
Trichy - 620 001.

3.The Sub-Registrar,
Registrar Office,
Uppiliapuram,
Thuraiyur Taluk,
Trichy District.

4.R.Nallathambi

5.R.Jaisankar

6.S.Duraisamy

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the respondents 4 to 6 to cancel the forged sale deed, dated 06.10.2005, Doc.No.1507/2005, registered with 3rd respondent office by conducting an enquiry by considering the representation, dated 17.02.2022, within a period that may be stipulated by this Court.

For Petitioner
For Respondents

: Mr.N.Mohan
: Mr.S.Shanmugavel for R1 to R3
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to take appropriate action against the respondents 4 to 6 and cancel the forged sale deed, dated 06.10.2005, registered as document No.1507/2005, registered



with the third respondent by conducting an enquiry by considering the representation of the petitioner, dated 17.02.2022, within a time frame to be fixed by this Court.

2.The case of the petitioner is that he purchased the very same property, which is the subject matter of the sale deed, dated 06.10.2005, registered as document No.1507/2005, on 25.10.1996. However, according to him, fraudulently, the 6th respondent has obtained the sale deed, dated 06.10.2005, registered as document No.1507/2005 for the very same property in his name. In such circumstances, the petitioner has given a representation on 17.02.2022, to the official respondents, calling upon them to initiate legal action for cancellation of the registered sale deed, dated 06.10.2005, registered as document No.1507/2005. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.N.Mohan, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4.The petitioner has filed the sale deed standing in his name, which is, dated 25.10.1996. The petitioner has also filed a copy of the sale deed registered in favour of the 6th respondent, dated 06.10.2005, registered as document No.1507/2005. According to him, he is the absolute owner of the property, which has been fraudulently registered in favour of the 6th respondent under the sale deed, dated 06.10.2005, referred to supra. The petitioner has given a representation on 17.02.2022, with the official respondents, requesting them to cancel the sale deed, dated 06.10.2005, registered as document No.1507/2005, on the ground that the said sale deed is a fraudulent sale deed. Admittedly, the said representation has not been considered till date.

5.No prejudice will be caused to the respondents, if the petitioner's representation, dated 17.02.2022, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 4 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 17.02.2022, seeking for cancellation of the sale deed, dated 06.10.2005, registered as document No.1507/2005 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 4 to 6, including granting them the right of personal hearing, within a period of three months from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

TM

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,
Integrated Complex,
Jeyamkondam Road,
Ariyalur & District.

2. The District Registrar,
Trichy - 620 001.

3. The Sub-Registrar,
Registrar Office,
Uppiliapuram,
Thuraiyur Taluk,
Trichy District.

+1 CC to M/s.SPL.GP (SR-16850[F] dated 06/04/2022)

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PA(18.04.2022) 3P 5C