



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6370 of 2022

and W.M.P. (MD) .No.4969 of 2022

WEB COPY

T.Suyambu Lingam

.. Petitioner

Vs

1.The District Registrar,
O/o. The District Registrar,
Tuticorin Registration District,
Tuticorin Post & District.

2.The Sub-Registrar,
O/o. The Sub-Registrar,
Vilathikulam Sub-Registrar Office,
Vilathikulam Post, Tuticorin District.

3.V.Muthusamy

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation, dated 12.06.2019 and to conduct detailed enquire under Section 83 of the Tamil Nadu Registration Act, 1908 and to pass final orders, within a stipulated time may be fixed by this Court.

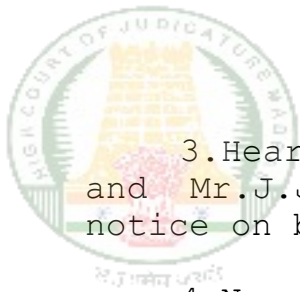
For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.J.Jeyakumaran for R1 & R2
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's representation, dated 12.06.2019, seeking for cancellation of the sale deed, executed in favour of the third respondent by the petitioner's father on 09.10.2015, registered as document No.2900/2015.

2.It is the contention of the petitioner that the aforementioned sale deed was executed by his father in favour of the third respondent in a drunken state of mind and therefore, the said sale deed is null and void. The petitioner has given a representation on 12.06.2019, to the official respondents, seeking for cancellation of the sale deed. Since the representation has not been considered till date, he has filed this writ petition.



3.Heard Mr.M.Saravanakumar, learned counsel for the petitioner and Mr.J.Jeyakumaran, learned Government Advocate, who accepts notice on behalf of the respondents.

4.No prejudice will be caused to the 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 as well as any other necessary party, whom the first respondent deems fit to enquire.

5.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation, dated 12.06.2019, seeking for cancellation of the sale deed, dated 09.10.2015, registered as document No.2900/2015 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the third respondent as well as any other necessary party, whom the first respondent deems fit to enquire, within a period of three months from the date of receipt of a copy of this order.

6.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

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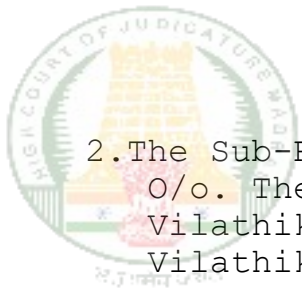
Sub Assistant Registrar(CS)

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,
O/o. The District Registrar,
Tuticorin Registration District,
Tuticorin Post & District.



2.The Sub-Registrar,
O/o. The Sub-Registrar,
Vilathikulam Sub-Registrar Office,
Vilathikulam Post, Tuticorin District.

+1 CC to M/s.M. SARAVANAKUMAR, Advocate (SR-17053[F] dated
07/04/2022)

+1 CC to M/s.SPL.GP (SR-17219[F] dated 07/04/2022)

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MGJ(21.04.2022) 3P 5C