



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7739 of 2022

and

W.M.P.[MD]Nos.5828 & 5829 of 2022

WEB COPY

V.Thirumalainambi

... Petitioner

/Vs./

1.The Inspector General of Registration,
Registration Department,
100, Santhome High Road,
Chennai - 600028.

2.The District Registrar (Admin),
Registration Department,
S.L.B., South Bye-pass,
Nagercoil,
Kanyakumari District.

3.The Sub Registrar,
Sub Registrar Office,
Kottaram,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, directing the 2nd respondent to call for the records pertaining to the sale deed in document No.1/2994/2020 dated 25.09.2020 and quash the same as illegal and consequently direct the 2nd respondent to remove the entry of sale deed from their records based on the petitioner's representation dated 01.09.2021 within a time frame.

For Petitioner	: Mr.C.Ezhilarasu
For Respondents	: Mr.J.John Rajadurai Government Advocate

ORDER

This writ petition has been filed challenging the sale deed dated 25.09.2020 registered as Document No.2994/2020 standing in the name of one Ponneelan. The petitioner has given a representation on 01.09.2021 seeking for cancellation of the aforementioned sale deed to the official respondents. No orders have been passed in the said representation.

2.Though no orders are passed on the representation of the petitioner, the petitioner has directly challenged the sale deed in

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this writ petition and sought a relief of certiorarified mandamus, which is not permissible under law. Unless and until there is a rejection order, such a relief cannot be granted. The petitioner ought to have sought for the relief of mandamus seeking for a direction to the respondents to consider the petitioner's representation seeking for cancellation of the sale deed dated 25.09.2020 registered as Document No.2994/2020.

3. Even though certiorarified mandamus has been sought for in this writ petition, no prejudice would be caused to the respondents, if the representation of the petitioner dated 01.09.2021 seeking for cancellation of the aforementioned sale deed is considered on merits and in accordance with law and orders passed thereafter.

4. For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's representation dated 01.09.2021 seeking for cancellation of the sale deed dated 25.09.2020 registered as Document No.2994/2020 standing in the name of Ponneelan, after affording a fair hearing to the petitioner, Ponneelan and other necessary parties, whom the second respondent deems fit to enquire, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector General of Registration,
Registration Department,
100, Santhome High Road,
Chennai - 600028.

2. The District Registrar (Admin),
Registration Department,
S.L.B., South Bye-pass,
Nagercoil, Kanyakumari District.

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3.The Sub Registrar,
Sub Registrar Office,
Kottaram,
Kanyakumari District.

+1 CC to M/s.C. EZHILARASU, Advocate (SR-20582[F] dated
22/04/2022)

+1 CC to M/s.SPL GP. (SR-21274[F] dated 26/04/2022)

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22.04.2022

RD(05.05.2022) 3P 6C