



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.8273 of 2022

M.Kandiban

... Petitioner

Vs.

1.The District Registrar,
Registrar Office,
Dindigul,
Dindigul District.

2.The Sub Registrar,
Vadamadurai,
Dindigul District.

3.Muthammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to cancel the sale deed Document No.1099/2020 dated 09.03.2020 and by considering the petitioner's representation dated 04.09.2020.

For Petitioner : Mr.S.Pugalendhi

For Respondents 1&2 : Mr.S.Shanmugavel,
Additional Government Pleader.

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to cancel the sale deed dated 09.03.2020 registered as Document No.1099/2020 based on the petitioner's representation dated 04.09.2020, within a time frame to be fixed by this Court.

2.According to the petitioner, under the aforementioned sale deed the seller has sold the property in excess of his ownership and therefore, according to the petitioner, the said sale deed is a fraudulent document. According to the petitioner, his lands have also been conveyed under the sale deed dated 09.03.2020 registered as Document No.1099/2020. In such circumstances, the petitioner has given a representation on 04.09.2020, seeking for cancellation of the aforementioned documents. Since the said representation has not been considered till date, the petitioner has filed this writ petition.



3.The petitioner has filed a copy of the sale deed dated 16.04.2008 along with this writ petition pertaining to his property. He has also filed the copy of the sale deed dated 09.03.2020 standing in the name of the third respondent which is sought to be cancelled under his representation dated 04.09.2020. According to the petitioner, under the sale deed dated 09.03.2020, the third respondent has conveyed a part of the petitioner's lands also. He has given a representation on 04.09.2020, seeking for cancellation of the aforementioned documents on the ground that it is a fraudulent document.

4.No prejudice would be caused to the first respondent, if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner as well as the third respondent and any other necessary party whom the first respondent deems fit to enquire.

5.For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 04.09.2020, seeking for cancellation of the sale deed dated 09.03.2020, bearing Document No.1099/2020 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 whom the first respondent deems fit to enquire 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.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The District Registrar,
Registrar Office,
Dindigul,
Dindigul District.

2.The Sub Registrar,
Vadamadurai,
Dindigul District.

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



+1 CC to M/s.S..PUGALENDHI, Advocate (SR-21935[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP (SR-22349[F] dated 28/04/2022)

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