



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11915 of 2022

Panchavarnam

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhom High Road, Chennai – 28.
2. The District Registrar,
Ramnad District, Ramnad.
3. The Sub Registrar,
Sub Registrar Office,
Sayalkudi, Ramnad District.

4. Kamaraj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in Na.Ka. No.927/A1/2021 dated 19.04.2022 and quash the same as illegal and consequently direct the second respondent to cancel the sale deed as against the property in survey No.80/3 to the extent of 0.85.0 situated at Kannirajapuram Village, Ramanathapuram District, within a stipulated time fixed by this Court.

For Petitioner : Ms.J.Balameenkashi



For R-1 to R-3 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

For R-4 : Mr.S.Vignesh

* * *

ORDER

Heard the learned counsel on either side.

2. The fourth respondent Kamaraj had executed the petition mentioned sale deed in favour of Malarkodi. In the said sale deed, a piece of land comprised in survey No.80/3 which is said to belong to the petitioner has also been included. Seeking its exclusion, the writ petitioner filed an appeal before the second respondent.

3. By the impugned order, the second respondent declined to comply with the petitioner's request. Challenging the same, this writ petition came to be filed.

4. When the matter was taken up for hearing, the learned counsel appearing for the writ petitioner as well as



the learned counsel appearing for the fourth respondent submitted that the impugned order can be set aside and the writ petition can be allowed. However, it is not possible for this Court to allow this writ petition or set aside the impugned order based on the consent given by the fourth respondent.

5. The petitioner's counsel states that the sale deed was executed in favour of one Malarkodi. Malarkodi is not before this Court. An appropriate course of action is available for the fourth respondent and Malarkodi to execute rectification deed. Without doing so, the sale deed cannot be partially set aside. The relief sought for is barred by the provisions of the Registration Act. No interference is called for. It is open to the fourth respondent and Malarkodi to execute rectification deed and address the concerns of the writ petitioner. If it is not done, it is open to the writ petitioner to avail appropriate remedies available in law. This writ petition stands disposed of. No costs.

29.07.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

PMU

To:

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