



W.P.(MD).No.21251 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21251 of 2022

R.Kumar

... Petitioner

vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
Chennai-600 028.

2.The District Registrar (Administration)
Office of the Registration Department,
Madurai South,
Aranmanai Salai,
Madurai.

3.The Sub Registrar,
Solavandhan,
Madurai District.

4.Pitchai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to cancel the sale deed vide Document No.388/1999 on the



W.P.(MD).No.21251 of 2022

file of the third respondent in connection with Survey No.107/3A2 situated at Thenoor Village, Madurai District, as per Circular No. 41530/U1/2017 dated 31.07.2018 and Circular No.20217/U1/2021 dated 09.07.2021, issued by the first respondent, based on the petitioner's representation dated 02.06.2022, within a time frame stipulated by this Court.

For Petitioner : Mr.S.Sivakumar

For R to R3 : M/s.S.Jayapriya

Government Advocate

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the second respondent to cancel the sale deed vide Document No.388/1999 in connection with the Survey No.107/3A2 situated at Thenoor Village, Madurai District, as per Circular No.41530/U1/2017 dated 31.07.2018 and Circular No.20217/U1/2021 dated 09.07.2021, issued by the first respondent, based on the petitioner's representation dated 02.06.2022.



W.P.(MD).No.21251 of 2022

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2. By consent, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that on 07.07.1947, a Will was executed by one Velammal in favour of Sonai Muthu Pillai and the same was registered in Document No.22/1947. On 11.03.1999, one C.Pitchai, who was worked as Deputy Superintendent of Police, well planned to grab the property, misguided one Subramaniam, who is the family member of the petitioner and registered the same in his mother's name ie., Mookkammal, vide Document No.388/1999. Subsequently, Patta also changed in her name. The other family members, came to know the above said wrong, taken legal steps and filed a suit in O.S.No.593 of 2011 before the Sub Court, Madurai. Thereafter, a compromise was arrived among the parties and the family members of the petitioner agreed to give a sum of Rs.9,00,000/- and the said C.Pitchai's family agreed to withdraw the sale deed and hand over the possession of the lands. But the said Pitchai not come to withdraw the sale deed. Hence, the petitioner has sent a representation to the Superintendent of Police,



W.P.(MD).No.21251 of 2022

WEB COPY

Madurai District on 14.12.2021. Further, he has also given a complaint against the said Pitchai under the provisions of Land Grabbing. Because of non-action, the petitioner has approached the learned Judicial Magistrate No.IV, Madurai and filed a petition in Cr.M.P.No.2220 of 2012. Finally, the said Pitchai came to a compromise and received a sum of Rs.8,50,000/- and failed to withdraw the sale deed till date.

4. He further stated that relying upon the Circulars dated 31.07.2018 and 09.07.2021 issued by the first respondent, the petitioner has sent a representation to the second respondent on 02.06.2022, to cancel the sale deed registered vide Document No.388/1999, dated 11.03.1999. But the respondents have not taken any action till date. Therefore, the petitioner has approached this Court by filing this writ petition.

5. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the petitioner has approached the second respondent for cancellation of the sale deed registered vide



W.P.(MD).No.21251 of 2022

WEB COPY

Document No.388/1999, dated 11.03.1999, stating that there was an impersonation and other reasons. The District Registrar (Administration), Madurai South, the second respondent herein, in his proceedings in Na.Ka.No.7576/A2/2021, dated 28.04.2022, rejected the claim of the petitioner on the ground that the said lands were sold by his own uncle viz., Subramanian in favour of his mother and all these aspects cannot be gone into by the Registrar and he is not in a position to pass any order positively in favour of the petitioner. There is no impersonation and land grabbing activity by the said persons and directed the petitioner to approach the competent Civil Court as the matter is civil in nature and file an appeal, within a period of sixty days.

6. For the foregoing reasons, this Writ Petition is dismissed. However, it is left open to the petitioner to approach the competent civil Court for necessary relief. No costs.

06.09.2022

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W.P.(MD).No.21251 of 2022

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W.P.(MD).No.21251 of 2022

V.BHAVANI SUBBAROYAN,J.

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W.P(MD)No.21251 of 2022

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