



W.P(MD)No.15954 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15954 of 2014

T.Santha

... Petitioner

Vs.

1.The District Registrar (Admn),
District Registrar Office,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Registrar,
Sub Registrar Office,
Keelakarai,
Ramanathapuram District.

3.R.Suyam Prakasan

4.M.Karmegam

5.M.Jaichandran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first and second respondents herein to cancel the sale deeds dated 27.08.2013 in document no.343/2014 and 29.05.2014 vide document no. 1516/2014 executed by the third respondent in favour of fourth and fifth



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respondents on the basis of the representations given by the petitioner dated 04.09.2013 and 07.06.2014.

For Petitioner	: No Appearance
For R1 & R2	: Mr.S.R.A.Ramachandran Additional Government Pleader
For R3	: Mr.T.Lajapathi Roy
For R4 & R5	: No Appearance

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the registration authorities to cancel two sale deeds, dated 17.06.2013 and 29.05.2014 said to have been executed by the third respondent in favour of the respondents 4 and 5.

2. According to the petitioner, the property in dispute originally belonged to one Kuppusamy Pillai, who died leaving behind a daughter Naga Soundaram and three sons Ganapathi, Ramanatha Pillai and another son. The writ petitioner is said to be the daughter of Ganapathi. The third respondent herein, who is the son of Ramanatha Pillai was adopted by Naga Soundaram while she was alive, by way of a registered adoption deed, dated 10.06.1974. Later, she had cancelled the said document on 31.10.1991. Thereafter, Naga Soundaram had passed away.



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3. The third respondent herein was issued with a legal heir certificate based upon the adoption deed, after the death of Naga Soundaram. Based upon the said legal heir certificate, the third respondent had alienated the properties of Naga Soundaram under two sale deeds, dated 27.08.2013 and 29.05.2014. The legal heir certificate was also cancelled on 27.05.2014.

4. According to the petitioner, the adoption has been cancelled and the legal heir certificate has also been cancelled. Hence, she alone is entitled to the property of the deceased Naga Soundaram. Hence, she has prayed for cancellation of the sale deeds. The petitioner has also instituted O.S.No.45 of 2008 before the District Munsif Court, Mudukulathur for partition and the same is pending.

5. A narration of the above said facts will clearly indicate that there is a serious title dispute between the petitioner and the respondents 3 to 5 herein. This Court cannot exercise its jurisdiction under Article 226 of the Constitution of India and direct the registering authorities to cancel the sale deeds that were already executed. It is for the Civil Court to decide about the validity of the cancellation of the adoption deed or



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the sale deeds said to have been executed by the third respondent in favour of the respondents 4 and 5 herein. Hence, this Court finds that there are no merits in the writ petition.

6. Hence, this Writ Petition stands dismissed. No costs.

16.09.2022

Index : Yes / No
Internet : Yes / No

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To

1.The Block Development Officer,
(Village Panchayat),
Kalakad Panchayat, Kalakad,
Tirunelveli District.

2.The Chairman,
Kalakad Panchayat Union,
Kalakad, Tirunelveli.

3.The Project Officer,
(Women Scheme),
Tirunelveli District.

4.The District Collector,
Tirunelveli,
Kokirakulam,
Palayamkottai.



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R.VIJAYAKUMAR ,J.

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