



W.P.(MD).No.21510 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21510 of 2022

Ramasamy

... Petitioner

vs.

1.The District Collector,
Palayamkottai,
Keezha Tirunelveli,
Tirunelveli.

2.The Sub Registrar,
Sub Registrar Office,
Murappanadu,
Thoothukudi District.

3.Kaja Mohaideen

4.Mala

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first and second respondents to cancel the sale deed Document No.1793/2022 fraudulently registered at second respondent Sub Registrar Office regarding the house Plot No.104 comprised in Survey No.108/1, Krishnapuram Village, Murappanadu Sub Registrar, Palayamkottai



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Taluk, Tirunelveli District, on the basis of his representation, dated 23.06.2022.

For Petitioner : Mr.T.Indrachithu
For R1 & R2 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the first and second respondents to cancel the sale deed Document No.1793/2022, regarding the house Plot No.104 in Survey No. 108/1, Krishnapuram Village, Murappanadu Sub Registrar, Palayamkottai Taluk, Tirunelveli District, on the basis of his representation, dated 23.06.2022.

2. The case of the petitioner is that the house Plot No.104 in Survey No.108/1, Krishnapuram Village, Murappanadu Sub Registrar, Palayamkottai Taluk, Tirunelveli District originally belongs to the third respondent and he mortgaged the same to the petitioner by way of



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execution of mortgage deed, dated 25.06.2019, after borrowing a sum of Rs.1,50,000/-. However, the above said amount was not repaid by the third respondent, as per the terms and conditions mentioned in the mortgage deed. Therefore, the petitioner orally requested the third respondent to repay the amount and he has not sent any legal notice for redeeming the property. Suppressing the said fact, the third respondent colluded with the fourth respondent and registered a sale deed regarding the above said plot before the second respondent Sub Registrar Office, vide Document No.1793/2022. Hence, the petitioner has sent a representation to the respondents 1 and 2 on 23.06.2022, to cancel the sale deed Document No.1793/2022. However, the said representation has not been considered so far. Therefore, the petitioner has filed the present writ petition.

3. Heard Mr.T.Indrachithu, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader appearing for the respondents.



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4. On perusal of the records, it is seen that the said Document No. 1793/2022 is not a registered one and it is an unregistered one. The authorities are directed to verify the same and if there is no encumbrance, the authorities should register the property. If at all the petitioner is aggrieved by the non-payment of money by the said third respondent, he has to initiate appropriate civil proceedings against him for establishing his case and for recovery of the said money also and there is no merit in this writ petition for giving a direction to the respondents 1 and 2 to cancel the sale deed. Hence, this Writ Petition is dismissed. No costs.

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Index:Yes/No
Internet:Yes/No

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To

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V.BHAVANI SUBBAROYAN,J.

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