



*W.P(MD)No.9103 of 2014*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2022

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.9103 of 2014**

**and**

**M.P(MD)No.1 of 2014**

Sunaiselvam

... Petitioner

Vs.

- 1.The Inspector General of Registration,  
Santhome High Road, Chennai.
- 2.The District Registrar,  
Office of the District Registrar,  
Tenkasi, Tirunelveli District.
- 3.The Sub Registrar,  
Sankarankovil Sub Registrar Office,  
Sankarankovil, Tirunelveli District.
- 4.Rajendran,  
Assistant,  
Office of the Sub Registrar Vasudevanallur,  
Tirunelveli District.
- 5.Velu
- 6.Kadarkarai
- 7.Shanmugam (Died)
- 8.Poolar
- 9.Kaliappan



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10.Boomani

11.Gurusamy

... Respondents

*(Respondent No.10 is recorded as legal heirs of deceased seventh respondent, vide Court order, dated 26.10.2022, vide memo filed, dated 26.10.2022, in W.P(MD)No.9103 of 2014)*

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to strike off the registration of document No.1701/2014 on their file and pass such further or other orders as this Court.

For Petitioner : M/s.M.Saravanan

For R-1 to R-3 : M/s.K.S.Selvaganesan  
Additional Government Pleader

For R-4 to R-11 : No appearance

### **ORDER**

The present Writ Petition has been filed seeking to quash a sale deed in document No.1701 of 2014, dated 04.06.2014, on the file of the third respondent herein.

2. According to the learned Counsel for the petitioner, the impugned sale deed has been executed by respondents 5 to 10 in favour of the eleventh respondent herein. The respondents 5 to 10 are the legal heirs of one Arumugam and they claimed it to be their ancestral property.



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3. The learned Counsel for the petitioner further contended that the respondents 5, 6 and 9 had filed O.S.No.181 of 1992 on the file of the Principal District Munsif Court, Sankarankovil, as against the vendor of the writ petitioner, claiming partition. In the said suit, it was their contention that, it is the ancestral property of one Arumugam and the property has to be partitioned. In the said suit, the vendor of the writ petitioner was arrayed as first defendant and the writ petitioner was arrayed as seventh defendant.

4. The said suit was filed for partition. The trial Court after contest, had dismissed the suit holding that the family of Arumugam do not have any title over the property. The said judgment was delivered on 18.08.2001. The plaintiffs therein had filed A.S.No.48 of 2001 before the Sub Court, Sankarankovil. The appeal was also dismissed on 30.01.2002, confirming that the family of Arumugam has not established their title over the property and hence, the prayer for partition is not maintainable. The plaintiffs therein had not preferred any second appeal and the said judgment has attained finality.



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5. The learned Counsel for the petitioner further submits that the petitioner was granted patta in patta No.1336 for S.No.666/7 and for other survey numbers. The private respondents, namely, 5 to 10 herein, after the dismissal of the civil suit and suppressing the grant of patta in favour of the writ petitioner, had executed the impugned sale deed in favour of the eleventh respondent herein. Hence, according to the learned Counsel for the petitioner, the sale deed has been executed fraudulently and hence, the same has to be struck down by this Court.

6. The learned Counsel appearing for the petitioner submitted that they have already given a representation to the second respondent herein on 06.06.2014. Though the second respondent has received the said representation, no further progress has been made.

7. Though notice has been served and the private respondents are represented through a Counsel, there is no representation on the side of the private respondents on the last two occasions. Hence, this Court proceeds to pass the following order:



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*"(i) The narration of the above said facts will clearly indicate that the allegation made on the side of the writ petitioner is serious in nature and it requires a proper adjudication by the second respondent herein.*

*(ii) The second respondent is directed to consider the representation of the petitioner, dated 06.06.2014, in the light of the civil Court judgment and Section 77-A of the Registration Act. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order, after affording due opportunity to the petitioner and the respondents 5, 6, 8 to 11."*

8. With the above said observation, the writ petition stands allowed to the above said extent. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

**18.11.2022**



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Index : Yes / No  
Internet : Yes / No  
btr

To

- 1.The Inspector General of Registration,  
Santhome High Road, Chennai.
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**R.VIJAYAKUMAR, J.**

btr

Order made in  
**W.P(MD)No.9103 of 2014**

**18.11.2022**