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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.10.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.9409 & 9410 of 2014
and
M.P(MD)Nos.1 & 1 of 2014

Charles Chandrasekaran ... Petitioner
(In Both W.P.s)

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai-600 028.

2.The District Registrar,
(Administration),
Registration Department,
Tuticorin.

3.The Sub Registrar,
Tuticorin - Melur,
Tuticorin.

4.A.Johnson
5.S.Magesh
6.A.Mathi ... Respondents
(In Both W.P.s)

PRAYER in W.P(MD)No.9409 of 2014: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the

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sale deed, dated 21.06.2010, registered as document No.2031 of 2010 on the file of the third respondent herein and the consequential registration of the sale deed, dated 06.01.2012, registered as document No.73 of 2012 on the file of the third respondent herein and to quash the same and directing the respondents 1 to 3 to remove all the records pertaining to the above transactions from their register.

PRAYER in W.P(MD)No.9410 of 2014: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in No.4911/B1/2013, dated 24.10.201, on the file of the second respondent herein and to quash the same and directing the respondents 1 to 3, to make a report and complaint to the seventh respondent herein, pertaining to the impersonation in the execution of the sale deed, dated 21.06. 2010, registered as document No.2031 of 2010 on the file of the third respondent herein and the consequential registration of the sale deed, dated 06.01.2012, registered as document No.73 of 2012 on the file of the third respondent herein on the basis of the complaint, dated 23.07.2012, made by the petitioner, and as directed by the first respondent by his proceedings, dated 31.07.2013, in his letter No. 29901/U1/2013 to the second respondent within a time frame as may be fixed by this Court.

In Both W.P.s

For Petitioner : M/s.P.Jessi Jeeva Priya
for M/s.G.Aravindan

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For R-1 to R-3 : M/s.K.S.Selvaganesan
Additional Government Pleader
For R-4 & R-5 : No appearance
For R-6 : M/s.R.Ilayaraja

COMMON ORDER

W.P(MD)No.9409 of 2014 has been filed seeking to cancel the sale deed, dated 21.06.2010, in document No.2031/2010 on the file of the third respondent herein.

2. According to the writ petitioner, the said sale deed is said to have been executed by one Ganapathy, son of Venimalai Pillai in favour of the fourth respondent herein. According to the writ petitioner, the said vendor, namely, V.Ganapathy had died as early as on 28.02.2006. According to the writ petitioner, the fourth respondent has created this document, as if, the deceased Ganapathy has executed the sale deed in the year 2010. Hence, the petitioner has made a representation to the second respondent herein for cancellation of the said sale deed on the ground of impersonation. Since the representation was not considered, the present writ petition has been filed for a Certiorarified Mandamus, to cancel the said sale deed.

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3. It is for the second respondent to consider the representation of the writ petitioner on merits and whether any impersonation has taken place in execution of the sale deed impugned in the writ petition or not. This Court cannot directly cancel the said sale deed. By way of an amendment in the Registration Act, Section 77-A has been introduced, empowering the Registering Authority to cancel the already registered documents on various grounds, including, the ground of impersonation.

4. In view of the subsequent development of law, the petitioner is directed to give a fresh representation to the second respondent herein. On receipt of such representation, the second respondent shall give due opportunity to the writ petitioner and the sixth respondent herein, before passing any orders. The said exercise shall be completed within a period of three (3) months from the date of receipt of application from the writ petitioner.

5. W.P(MD)No.9410 of 2014 has been filed to quash the subsequent sale deed executed by Johnson in favour of one A.Mathi through a power agent. The petitioner shall give a fresh representation to

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the second respondent for considering the said allegation of impersonation and the same shall be decided on merits.

6. The writ petitions stand disposed of, with the above said observations. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

18.10.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The Inspector General of Registration,
Santhome High Road,
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2.The District Registrar,
(Administration),
Registration Department,
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3.The Sub Registrar,
Tuticorin - Melur,
Tuticorin.

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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)Nos.9409 & 9410 of 2014

18.10.2022

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