



W.P(MD)No.9048 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9048 of 2015

S.Mariappan

... Petitioner

Vs.

1.The District Registrar (Administration),
Registration Department,
Agrahara Street, Periyakulam Post,
Theni District.

2.The Sub Registrar,
Chinnamanur Sub Registrar Office,
Registration Department,
Chinnamanur Post,
Theni District.

3.V.Chinnasamy

... 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 respondent to dispose the Petitioner's application, dated 23.04.2015 seeking cancellation of Registration of Sale deed as document No. 3628 of 1994 dated 15.04.1994 registered with the second respondent office on 06.12.2004 as document No. 3628 of 1994 in respect of the Petitioner's lands in Survey No.1409/1A, 1C at Markaiyankottai Village, Uthamapalayam Taluk, Theni District, measuring an extent of 0.98.5



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Ares in Patta No. 2461 and giving opportunity to the third respondent within the time stipulated in the light of the Circular No.67 dated 03.11.2011, Registration Department by this Court.

For Petitioner : Mr.M.Karuppasamy Pandian
For R1 & R2 : Mr.K.Jeyaseelan
Government Advocate
For R3 : No Appearance

ORDER

The present writ petition has been filed seeking a writ of Mandamus directing the second respondent herein to cancel the sale deed registered by the third respondent herein as Document No.3628/1994 on 15.04.1994.

2. According to the petitioner, without having any title, the third respondent has registered the said document in favour of third parties.

3. A perusal of the affidavit and the documents annexed to the typed set of papers clearly establish that there is a serious title dispute between the petitioner and the third respondent herein. The said title dispute cannot be decided either by the first respondent or by the second respondent.



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4. Since the respondents 1 and 2 do not have any powers to decide about the title, the question of issuing mandamus to them does not arise.

This Writ Petition stands dismissed. However, the petitioner is at liberty to approach the competent Civil Court for cancellation of the sale deed in Document No.3628/1994, dated 15.04.1994 said to have been executed by the third respondent herein.

5. With the above said observations, this Writ Petition stands disposed of. No costs.

03.08.2022

Index : Yes / No
Internet : Yes / No
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To

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R.VIJAYAKUMAR ,J.

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