



W.P.(MD).No.23543 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.23543 of 2022

G.Nagarajan

... Petitioner

VS.

The District Registrar (Administration)
Madurai North,
Combined Office of the Registration,
Rajakambeeram, Y.Othakadai,
Madurai.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 23.11.2021, on the basis of the proceedings of the first respondent vide Na.Ka.6941/௮3/2021, dated 28.02.2022 and as per the recent Amendment made in the Tamil Nadu Registration Act, 2021 and to pass appropriate orders in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.Babu Rajendran

For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 23.11.2021, based on the proceedings of the first respondent, dated 28.02.2022 and as per the recent Amendment made in the Tamil Nadu Registration Act, 2021, and pass appropriate orders in accordance with law.

2. The case of the petitioner is that he has purchased the property in R.S.No.39/2, Sub Division R.S.No.39/2A to an extent of 1 acre 72 cents situated at Veerapanjan Village, Madurai North Taluk from one Mayandi, for valuable consideration on 11.03.1997. During the year 2008, the sisters of the petitioner's vendor attempted to trespass into the petitioner's property. Hence, he has filed a suit in O.S.No.648 of 2008 before the I Additional Sub Judge, Madurai and obtained an order of permanent injunction against them in I.A.No.932 of 2008. The sisters and the wife of the petitioner's vendor colluded with one P.Saravanakumar filed a suit for specific performance before the I



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Additional Subordinate Judge, Madurai in O.S.No.1205 of 2012 and got an ex-parte decree and also filed an Execution Petition in E.P.No.162 of 2013. The I Additional Sub Judge, Madurai executed a sale deed in favour of P.Saravanakumar, on 16.04.2014.

3. The petitioner has registered the sale deed on 11.03.1997 and the learned Sub Judge, Madurai without even obtaining encumbrance certificate, in a mechanical manner executed the sale deed on 16.04.2014, in favour of P.Saravanakumar. The said P.Saravanakumar, on the basis of the sale deed, without notice to the petitioner, cancelled the Patta issued in favour of the petitioner and obtained a joint Patta, as per the order passed by the Revenue Divisional Officer. Against which, the petitioner has preferred a revision before the District Revenue Officer, Madurai and the District Revenue Officer, Madurai cancelled the said joint Patta and issued a separate Patta in favour of the petitioner, on 04.10.2021. Thereafter, the petitioner has made a representation to the respondent, on 23.11.2021, to cancel the fraudulent sale deed dated 16.04.2014. On receipt of the representation, the respondent has directed the petitioner to



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appear before him on 31.01.2022 and thereafter, directed the petitioner to appear before him on 17.03.2022 with relevant records. Accordingly, the petitioner has also appeared before the respondent for enquiry on 17.03.2022 and produced all the relevant documents, as per the proceedings of the respondent, dated 28.02.2022. Thereafter, no further enquiry has been held by the respondent till date. Hence, the petitioner has filed the present writ petition, seeking direction to the respondent to consider his representation, dated 23.11.2021 and pass appropriate orders.

4. Heard Mr.Babu Rajendran, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader appearing for the respondents.

5. Considering the above facts, this Court directs the respondent to consider the representation of the petitioner, dated 23.11.2021 and pass appropriate orders, on merits and in accordance with law, after providing opportunity to all necessary parties, within a period of sixteen weeks



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from the date of receipt of a copy of this order.

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6. With the above directions, this Writ Petition is disposed of. No costs.

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Index: Yes/No

Internet: Yes/No

akv

To

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V.BHAVANI SUBBAROYAN,J.

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