



W.P.(MD)No.24630 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24630 of 2022

P.Senthamil Selvan

.. Petitioner

Versus

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Rajapalayam Town,
Virudhunagar District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to cancel the sale deed, dated 15.09.2010, registered as Doc.No.6548 of 2010, executed by the legal heirs of Chidambara Thevar, namely, (1) Velayutham, (2) Ramamoorthy, (3) Indhumathi, (4) Kadhiresan, (5) Kalimuthu and (6) Rajaiah, in favour of the legal heirs of Ramasamy Thevar namely, (1) Velammal, (2) Amaravathy, (3) Ramalakshmi, (4) Guruvammal, (5) M.R.Krishnan and (6) M.Rakkappan and sale deed dated 30.12.2010, registered as Doc.No.8542 of 2010 executed by legal heirs of Ramasamy Thevar, namely (1) Velammal, (2) Amaravathy, (3) Ramalakshmi, (4) Guruvammal, (5) M.R.Krishnan and (6) M.Rakkappan in favour of Gurusamy, S/o.Veerapathiran, after conducting due enquiry as per Section 77-A of the Registration (Amended Act No.41 of 2022)



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Act, 1908, by considering the petitioner's representation, dated 12.09.2022, within a time frame.

For Petitioner : Mr.M.Thirunavukkarasu
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents herein to cancel the sale deed, dated 15.09.2010, registered as Doc.No.6548 of 2010, executed by the legal heirs of Chidambara Thevar, namely, (1) Velayutham, (2) Ramamoorthy, (3) Indhumathi, (4) Kadhiresan, (5) Kalimuthu and (6) Rajaiah, in favour of the legal heirs of Ramasamy Thevar namely, (1) Velammal, (2) Amaravathy, (3) Ramalakshmi, (4) Guruvammal, (5) M.R.Krishnan and (6) M.Rakkappan and sale deed dated 30.12.2010, registered as Doc.No.8542 of 2010, executed by the above said legal heirs of Ramasamy Thevar, after conducting due enquiry as per Section 77-A of the Registration (Amended Act No.41 of 2022) Act, 1908, by considering the petitioner's representation, dated 12.09.2022, within a time frame.

2.Heard Mr.M.Thirunavukkarasu, learned counsel appearing for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader, who takes notice for the respondents. By consent of the learned counsel



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appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, one Umayoru Moopanar, S/o. Arumuga Moopanar, was the absolute owner of the property, comprised in S.No.187/4, measuring an extent of 52 cents out of 1 acre and 4 cents in Sambanthapuram Village, Rajapalayam Taluk, Virudhunagar District. The petitioner entered into a sale agreement with the legal heirs of Umayoru Moopanar on 20.08.2013. Since his vendors have not come forward to execute the sale deed to him, the petitioner filed a suit in O.S.No.4 of 2014, for specific performance before the Sub-Court, Srivilliputhur and the said suit was decreed in his favour on 17.06.2014. Thereafter, the petitioner filed E.P.No.28 of 2015 and got the sale deed registered on 08.06.2016, vide Document No.2196 of 2016. When the petitioner applied for mutation of Patta in his name for the above said property, the same was objected by third parties, who has no right over the said property. Thereafter only, the petitioner came to know that there are subsequent encumbrances with respect to the above said properties *i.e.*, sale deed, dated 15.09.2010, registered as Doc.No.6548 of 2010, executed by the legal heirs of Chidambara Thevar namely, (1) Velayutham, (2) Ramamoorthy, (3) Indhumathi, (4) Kadhiresan, (5) Kalimuthu and (6) Rajaiah, in favour of the legal heirs of Ramasamy Thevar namely, (1) Velammal, (2) Amaravathy, (3) Ramalakshmi, (4) Guruvammal, (5) M.R.Krishnan and (6) M.Rakkappan



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and sale deed dated 30.12.2010, registered as Doc.No.8542 of 2010, executed by the above said legal heirs of Ramasamy in favour of Gurusamy, S/o.Veerapathiran. In order to cancel the said sale deeds, the petitioner has sent a representation to the respondents on 12.09.2022. Since the same was not considered, the petitioner has approached this Court by way of filing the present Writ Petition, seeking to cancel the above said two sale deeds after conducting due enquiry as per Section 77-A of the Registration (Amended Act No.41 of 2022) Act, 1908.

4.The learned Additional Government Pleader appearing for the respondents submitted that the petitioner's representation dated 12.09.2022, would be considered and appropriate orders would be passed by the respondents on merits and in accordance with law within a time frame.

5.Considering the above said submission made by the learned Additional Government Pleader appearing for the respondents, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 12.09.2022, and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order.



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6.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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