



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.12.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.27198 of 2022

Vijendran

..Petitioner

Vs

1.The Inspector General of Registration,
Office of the IG of Registration,
Santhome High Road,
Santhome, Chennai – 600028.

2.The District Registrar,
Registration Department,
Thanjavur District,
Thanjavur.

3.The Joint Sub Registrar No.I,
Office of the District Registrar No.I,
Kumbakonam,
Thanjavur District.

4.Deivanai

5.Balamurugan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus directing the respondents to cancel the documents in Doc.No.5232/2022, on the file of the second respondent by considering the Petitioner's representation, dated 27.09.2022.

For Petitioner :Mr.R.Maheswaran

For Respondents:Mr.S.R.A.Ramachandran
1 to 3 Addl.Govt.Pleader

**ORDER**

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The Petitioner has prayed for issuance of a Writ of mandamus directing the respondents to cancel the documents in Doc.No.5232/2022, on the file of the second respondent by considering the Petitioner's representation, dated 27.09.2022.

2.Mr.S.R.A.Ramachandran, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the petitioner is running a tea stall and eeking out his livelihood.At that time, the fourth respondent requested a sum of Rs.12 lakhs from the Petitioner for her medical expenses and for other expenses.Thereafter, the fourth respondent agreed to sell her properties in T.S.No.2323/B,2324, Door No.10, Yagar Salai, Kumbakonam Hence the Petitioner and fourth respondent entered into a sale agreement in respect of the above property on 11.8.2021 and as per the same, the sale consideration was fixed at Rs.28 lakhs and an advance amount of Rs.12 lakhs was paid and the balance amount of Rs. 16 lakhs to be paid on a future date when the funds are made ready and the sale has to be executed by then. After getting the advanced amount, the activities of the fourth respondent completely changed and she behaved in a strange manner. The Petitioner is always ready and willing



to pay the balance sale consideration and get the sale deed executed. But the fourth respondent has neither paid the advance amount or its interest. Further the fourth respondent has colluded with the fifth respondent and had sold the above properties to the fifth respondent for a sale consideration of Rs.32 lakhs vide Document No.523/2022, on the file of the third respondent. Coming to know about the above sale, the Petitioner asked the fourth respondent to cancel the sale deed executed in favour of the fifth respondent and requested her to execute the sale deed in his favour for the properties above mentioned. Since the same was not heeded to, the Petitioner filed a caveat before the District Munsif Court, Kumbakonam in Caveat No.249/2022 and also sent a detailed representation on 27.09.2022 to the second respondent mentioning the above facts with a request to cancel the sale deed executed in favour of the fifth respondent. Since the same was not considered till date, the petitioner has filed this Writ Petition for the relief stated supra.

4. From the narration of the above facts, this Court is of the considered view that the Petitioner's prayer in the Writ Petition cannot be granted, since the dispute between the petitioner and the fourth respondent is purely civil in nature. Regarding the execution of sale agreement and execution of sale deed, the Petitioner has to approach the competent Civil Court by filing a suit for specific performance. As the property in question has already been sold to the fifth respondent, it is for



the Petitioner to take necessary steps seeking return of money paid as advance amount.

5. With the above observations, the Writ Petition stands dismissed.

No costs.

01.12.2022

Index : Yes/No

Internet: Yes/No

vsn

To

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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.27198 of 2022

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