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W.P.No.20931 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.20931 of 2010

1.M.Devabalam
2. M.Kamalakannan
3. M.Manikandan
4. M.Malathy .. Petitioners

VS

1. The Sub Registrar
Department of Registration
Chetpet, Thiruvannamalai District.

2. M.Adhikesavan .. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to register the sale cancellation deed dated 17.10.2008 executed by the petitioner and his brothers and sister on payment necessary stamp duty and registration charges and release to registered sale cancellation deed to the petitioner.

For Petitioners : Mr.G.A.Thiyagarajan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for respondent 1

Mr.S.K.Srinivasan
for respondent 2



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ORDER

Though a prayer of Writ of Mandamus is sought for in this writ petition seeking direction to the first respondent to register the sale cancellation deed dated 17.10.2008 executed by the petitioner and his brother and sisters on payment of necessary stamp duty and registering charges and to release the registered sale cancellation deed to the petitioner, Mr.G.A.Thiyagarajan, learned counsel appearing for the petitioner, when the case is taken up for final hearing, submitted that, though at the time of filing the writ petition, the legal position was something different and subsequently, the sale has been settled and insofar as the cancellation of the same, which has already been registered, is concerned, that power is not vested in the person who executed the sale deed and in this regard, as per the legal position, the petitioner has to go before the competent Civil Court seeking declaration, to declare that the documents viz., the sale deed, already been executed, as null and void and to that extent, the petitioner wants the liberty to approach the Civil Court and with that liberty, the petitioner wants this writ petition to be disposed.

2. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the first respondent and Mr.S.K.Srinivasan, learned counsel



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appearing for the second respondent.

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3. In view of the aforestated submissions made by the learned counsel appearing for the petitioner and having recorded the said submissions as well as the stand taken by the respondents counsel, this Court is inclined to pass the following orders in this writ petition:

That the petitioner is at liberty to approach the competent Civil Court seeking redressal of his grievances, which he sought for by way of prayer in this writ petition and with the aforestated liberty, this writ petition is dismissed. There shall be no order as to costs.

Index: Yes/No

20.02.2023

Neutral Citation :Yes/No
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To

1. The Sub Registrar
Department of Registration
Chetpet, Thiruvannamalai District.



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R. SURESH KUMAR, J.

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