



WEB COPY

W.P.No.10275 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10275 of 2019

and

WMP.No.10822 of 2019

Mrs.T.Kalarani

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep., by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai – 600009.
- 2.The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 006.
- 3.The Executive Engineer and
Administrative Officer,
Salem Housing Unit,
Salem.
- 4.The Commissioner,
Corporation of Salem,
Salem District.
- 5.The Sub Registrar,
Sooramangalam,
Salem District.



6.R.Murugasan

W.P.No.10275 of



... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direction in the nature of a writ to cancel the registration of Sale Deed dated 16.11.2011 Registered as Document No.7388 of 2011 on the file of the Sub Registrar, Sooramangalam executed by the 3rd respondent herein in favour of the 6th respondent herein and consequently direct the 5th respondent herein to cancel the registration of the said Sale Deed on his file within the time frame to be stipulated by this Court.

For Petitioner	: M/s.M.Santhanaraman
For R1 & R5	: Mr.G.Krishna Raja Additional Government Pleader
For R2 & R3	: Mr.C.Kalaichelvan [For TNHB]
For R4	: Mrs.N.Devi
For R6	: Not Ready in Notice

ORDER

The relief sought for in the present writ petition is to direct the respondents to cancel the registration of sale deed dated 16.11.2011 registered as document No.7388 of 2011.



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2. The relief as such sought for in the present writ petition is absolutely misconceived. Such a relief to cancel the sale deed cannot be cancelled in a writ proceeding under Article 226 of the Constitution of India.

3. It is brought to the notice of this Court that the land was acquired for public purposes under the Land Acquisition Act and other litigations are pending. Though the petitioner states that the acquisition proceeding is lapsed, the said submission was objected by the Housing Board on the ground that the writ appeal is pending.

4. May that as it be, it is left open for the parties to workout the remedy in the manner known to law. As far as the present writ petition is concerned, the direction as such sought for to cancel the registration of sale deed cannot be considered even at the time of filing of the writ petition. There is no provision under the Registration Act. That being the factum, the petitioner is at liberty to workout the remedy in the manner known to law.



5. With this liberty, this Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

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23.08.2023

Veda/Jeni
Index:Yes
Speaking order
Neutral Citation:Yes

To

1.The Secretary,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Chennai – 600009.

2.The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 006.

3.The Executive Engineer and
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Salem Housing Unit,
Salem.

4.The Commissioner,
Corporation of Salem,
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5.The Sub Registrar,
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S.M.SUBRAMANIAM, J.

Veda/Jeni

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