



WEB COPY

WP No.9364 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.9364 of 2017

And

WMP No.10335 of 2017

R.Ramesh

... Petitioner

Vs.

1.The Inspector General of Registration,
Chennai-28.

2.The District Registrar,
Pudukottai.

3.Sub Registrar,
Alangudi,
Pudukottai District.

4.N.Arunachalam

5.A.C.Anandan

6.V.Sivasubramanian

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to give suitable instructions to respondents 2 and 3 so as to cancel the two Sale Deeds i.e., Sale Deed under Document No.3623/2010 dated 30.12.2010 executed by the petitioner's power of attorney in favour of his own son-fifth respondent and another Sale Deed under Document No.350 of 2011 dated 09.02.2011 executed by petitioner's power of attorney in favour of his co-brother-sixth respondent registered on the file of the third respondent in respect of lands owned by petitioner measuring 15 acres of land in S.No.554/2, No.35, Sammattividuthi Panchayat, Alangudi Taluk, Pudukottai District, in the light of Circular No.67 dated 03.11.2011 (C.No.52338/C1/2011), issued by the first respondent and in view of the decisions of this Court reported in Asset Reconstruction Co. (I) Ltd vs. Inspector General of Registration and Others [2016 (1) CTC 673] by considering and disposing of the petitioner representation dated 12.07.2016 in accordance with law.

For Petitioner : No Appearance

For Respondents-1 to 3 : Mr.G.Krishna Raja,
Additional Government Pleader.

For Respondent-4 : Mr.AL.Ganthimathi,
Senior Counsel for
Mr.A.R.Karthi K.Lakshmanan

For Respondents-5 and 6 : Not Ready in Notice



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ORDER

The relief sought for in the present writ petition is to direct the first respondent to give suitable instructions to respondents 2 and 3 so as to cancel the two Sale Deeds i.e., Sale Deed under Document No.3623/2010 dated 30.12.2010 executed by the petitioner's power of attorney in favour of his own son-fifth respondent and another Sale Deed under Document No.350 of 2011 dated 09.02.2011 executed by petitioner's power of attorney in favour of his co-brother-sixth respondent registered on the file of the third respondent in respect of lands owned by petitioner measuring 15 acres of land in S.No.554/2, No.35, Sammattividuthi Panchayat, Alangudi Taluk, Pudukottai District, in the light of Circular No.67 dated 03.11.2011 (C.No.52338/C1/2011), issued by the first respondent and in view of the decisions of this Court reported in Asset Reconstruction Co. (I) Ltd vs. Inspector General of Registration and Others [2016 (1) CTC 673] by considering and disposing of the petitioner representation dated 12.07.2016 in accordance with law.



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2. The learned Senior Counsel, appearing on behalf of the fourth respondent, brought to the notice of this Court that the civil suit has already been instituted between the parties in OS No129 of 2019 on the file of the Principal District Judge, Pudukottai and the said suit is pending.

3. In respect of the documents registered in the year 2011, the same cannot be cancelled by the Authorities under the Registration Act. The parties have rightly instituted the suit to cancel the documents and therefore, all the grounds raised in the present writ petition shall be raised before the Civil Court for the purpose of adjudication of the issues raised between the parties.

4. In view of the facts and circumstances, the civil suit has already been instituted and is pending. Thus, no further relief needs to be granted in the present writ petition.



5. Accordingly, the present writ petition stands disposed of.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

21-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The Inspector General of Registration,
Chennai-28.
- 2.The District Registrar,
Pudukottai.
- 3.Sub Registrar,
Alangudi,
Pudukottai District.



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S.M.SUBRAMANIAM, J.

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