



W.P.(MD)No.9123 of 2007

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.9123 of 2007

C.Duraipandian

... Petitioner

versus

1. The Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

2. The District Registrar,
Tenkasi,
Tirunelveli District.

3. The Sub Registrar,
Puliangudi,
Tirunelveli District.

4. J.Samuel

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 3rd respondent to register the documents P.No.146/86 pursuant to the circular of the Government in Letter No.[Ms]951/V.1/87 dated 21.08.1987.



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For Petitioner : Mr.Soalisamy
For R1 to R3 : Mr.P.T.Thiraviam,
Government Advocate
For R4 : Mr.D.Nallathambi

ORDER

This writ petition has been filed for a Mandamus directing the 3rd respondent/the Sub Registrar, Puliangudi, Tirunelveli District, to register the document in P.No.146/86 pursuant to the circular issued by the Government in Letter No.[Ms]951/V.1/87 dated 21.08.1987.

2. The case of the petitioner submits that he has purchased a property in S.Nos.746/3, 747/1, 743/3 situated at Kulavanigarpuam Village, Melapalayam, Palayamkottai, from the 4th respondent, by a sale deed dated 06.11.1986.

3. The petitioner claimed that the 4th respondent, as a power agent of his mother Stella Vadivel, has executed the said document. The



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petitioner has also paid the sale consideration of Rs.1,00,000/- to the 4th respondent. However, the 3rd respondent has valued the property as per the guideline as Rs.8,52,000/- and also issued a notice to the 4th respondent to obtain income tax clearance certificate for registration of the document that the value of the document exceeds Rs.50,000/-.

4. The petitioner further claimed that in letter CT&RE No. [Ms]951/V.1/87 dated 21.08.1987, it has been clearly stated that if the value of the property has been declared and mentioned in the document is less than Rs.50,000/-, even though the value as per the guidelines is more than Rs.50,000/-, which is not accepted by the parties, the Sub Registrar should register the document. Therefore, he has filed this writ petition for registering the document as per the said circular dated 21.08.1987.

5. This writ petition was filed in the year 2007 and it has been tagged along with three other second appeals which were filed by the



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parties to this writ petition in S.A.Nos.1676 to 1678 of 2001, as per the order of this Court dated 04.09.2021.

6. Today, when this writ petition is taken up for hearing, learned counsel Mr.R.Devaraj submits that he has already returned the papers to the petitioner. However, no memo has been filed to that effect.

7. Mr.Solaiswamy, learned counsel represents that the writ petitioner is no more and he is now instructed by the learned counsel Mr.Sriram, to take time for filing necessary application to implead the legal heirs of the petitioner.

8. The learned counsel appearing for the writ petitioner in the second appeals submits that the writ petitioner died and therefore, necessary steps have to be taken for impleading the legal heirs of the deceased writ petitioner in the second appeals also.



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9. Mr.D.Nallathambi, learned counsel appearing for the 4th respondent in the writ petition submits that the writ petitioner and the 4th respondent have also filed suits on the subject property before the Additional Sub Court, Tirunelveli, in O.S.Nos.64 of 1988 and 232 of 1995. The petitioner filed a suit in O.S.No.232 of 1995 for a direction, directing the 4th respondent to obtain income tax clearance certificate from the Income Tax Department and produce the same before the Registering Authority at Puliangudi to complete the sale deed dated 06.11.1986 and for other relief and the same was decreed by a common Judgment and Decree dated 09.07.1999. The 4th respondent has filed a suit in O.S.No.64 of 1988 for declaration to declare the sale deeds dated 06.11.1986 in favour of the petitioner and one another sale deed dated 03.11.1986 in favour of one Mathisa Pandian are null and void and the same was dismissed by a common Judgment and Decree dated 09.07.1999. The said Mathisa Pandian has also filed a suit in O.S.No. 230 of 1995 against the 4th respondent herein and the same was decreed by a common Judgment and Decree dated 09.07.1999. However, on



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the appeals preferred by the 4th respondent before the I Additional District Court, Tirunelveli in A.S.Nos.214 of 1999, 215 of 1999 and 18 of 2000, were allowed by a common Judgment and Decree dated 19.12.2000, by declaring that the sale deeds dated 06.11.1986 executed in favour of the petitioner and one another sale deed dated 03.11.1986 executed in favour of one Mathisa Pandian are null and void. As against the common Judgment and Decree dated 19.12.2000, passed by the First Appellate Court in A.S.Nos.214 of 1999, 215 of 1999 and 18 of 2000, the writ petitioner and the said Mathisa Pandian have filed the above second appeals and the same are pending before this Court.

10. This Court considered the rival submissions and perused the materials available on record.

11. For the very same relief, the writ petitioner has already filed a suit in O.S.No.232 of 1995 which has been rejected by the First appellate Court, declaring the sale deed dated 06.11.1986 as null and



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void. However, the petitioner and others have preferred Second Appeals in S.A.Nos.1676 to 1678 of 2001 and the same are pending before this Court.

12. It is now reported that the writ petitioner died and the legal heirs of the deceased writ petitioner have to be impleaded in the second appeals and the second appeals have to be prosecuted. As on date, the subject sale deed dated 06.11.986 was declared as null and void by the 1st Additional District Court, Tirunelveli, by a common Judgment and Decree dated 19.12.2000.

13. Therefore, this writ petition is dismissed with liberty to the legal heirs to work out their remedy in the second appeals in S.A.Nos. 1676 to 1678 of 2001. No costs.

30.10.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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