



W.P.(MD) No.3318 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.3318 of 2020

and

W.M.P.(MD) No.2782 of 2020

S.Pari

.. Petitioner

Vs.

1.The Superintendent of Police,
Karur District,
Karur.

2.The Deputy Superintendent of Police,
Land Grabbing Cell,
Office of the Superintendent of Police,
Thanthontrimalai, Karur.

3.The Inspector of Police,
Land Grabbing Cell,
Office of the Superintendent of Police,
Thanthontrimalai, Karur.

4.The Sub-Registrar,
Krishnarayapuram,
Karur District.

5.R.Nagarajan

.. Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the order of the 4th respondent in Check Slip No. 1/2020 dated 30.01.2020 and quash the same and consequently direct the 4th respondent to implement the order of the 4th respondent in Na.Ka.No. 323/2019 dated 21.11.2019 and to cancel the sale deed in Document No. 2314/2013 dated 23.12.2013 on the file of the 4th respondent within a time frame that may be stipulated by this Court.

For Petitioner	:	Mr.N.Sudhagar Nagaraj
For RR1 to 4	:	Mr.M.Prakash Additional Government Pleader
For R5	:	Mr.J.Sivaram

ORDER

The petitioner has filed this writ petition seeking a Writ of Certiorarified Mandamus calling for the records relating to the order of the fourth respondent in Check Slip No.1/2020 dated 30.01.2020 and quash the same and consequently direct the fourth respondent to implement the order of the fourth respondent in Na.Ka.No.323/2019 dated 21.11.2019 and to cancel the sale deed in Document No.2314/2013



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dated 23.12.2013 on the file of the fourth respondent within a time frame that may be stipulated by this Court.

2. The facts set out by the petitioner are as follows:

It is the case of the petitioner that he was in possession of lands measuring an extent of 5.50.5 Hectares (13 acres and 16 cents) in S.No.205 of Thirukkampuliyoor Post, Krishnarayapuram Taluk, Karur District. Out of this, he had sold an extent of 73 cents to one P.Vasudevan under a registered sale deed dated 23.12.2013. Thereafter, it is the contention of the petitioner that due to numerology, he had changed the plot numbers and therefore, inadvertently had once again sold the above property to the fifth respondent R.Nagarajan under a registered sale deed dated 17.11.2014. He would contend that the property only belongs to P.Vasudevan and the mistake had only occurred at his end.

3. It is his further case that as soon as he came to know about the mistake, he had assured the fifth respondent that both he and Vasudevan



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would cancel the sale deed dated 23.12.2013 executed by him in favour of P.Vasudevan. It is his contention that P.Vasudevan had agreed to spend money for executing a fresh sale deed in favour of the fifth respondent.

4. The fifth respondent had lodged a complaint before the second respondent, based on which the Registrar General, Registration Department, Chennai has directed the fourth respondent to cancel the document. The second respondent has also registered a case in Crime No.1/2020 dated 10.01.2020 against the petitioner based on this complaint and the petitioner has also appeared before the second respondent. The petitioner would submit that he had received a letter from the fourth respondent permitting him to cancel the documents, but however, now the fourth respondent has refused to cancel the said document and therefore, the petitioner is before this Court.

5. A counter affidavit has been filed by the fourth respondent in which it has been stated that the petitioner had plotted out the lands in



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S.No.205 to an extent of 73 cents. He had sold Plot No.7, measuring 1350 sq. ft. to one P.Vasudevan under a registered sale deed dated 23.12.2013 to which a layout plan was attached. Thereafter, he had sold Plot No.4 to the fifth respondent under a registered sale deed dated 17.11.2014. The layout plan and the description of the four boundaries would clearly show that this property is the very same property that has been sold to the said P.Vasudevan. That apart, the layout plan in the year 2013 would show that there are 14 plots, but in the year 2014, the layout plan would show 12 plots. The petitioner has changed the plot numbers and the layout plan and sold the property to the fifth respondent. Since the matter is already pending before the criminal Court as well as the District Registrar, Karur, by the impugned order, the authority had only requested the petitioner to await the result of the proceedings.

6. Heard the learned counsel on either side.

7. A reading of the counter affidavit filed by the fourth respondent would give rise to a doubt regarding the contention of the petitioner that



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the mistake was an oversight. Be that as it may, when simultaneous proceedings before the Registration Department and criminal Court are going on, the order of the fourth respondent that the cancellation cannot be effected, since the matter is *sub judice* and pending before the District Registrar, Karur cannot be found fault with. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

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P.T.ASHA, J.

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