



WP(MD)No.5636 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2023

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.5636 of 2021

Raju

...Petitioner

/Vs./

1.The Directorate of Registration,
100 Santhome High Road,
Pattinapakkam,
Chennai 600 028

2.The Sub Registrar,
2/398 Gandhi Road,
Paramakudi 623 707
Ramanathapuram District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the respondents to cancel the deed vide document 3381 sold by Sethuammal to her sister Sundayeemmal's daughter Vasantha pertaining to petitioner's property situated at Ramanathapuram Division, Sivaganga revenue division, Paramakudi sub-division within the limits of Paramakudi Municipality of Eamaneeswaram Villlage bearing patta no. 217, Survey Number 49/2 A to the extents of 1 acre and 20.1/2 cents in 2 acres 41 cents of Punja land by considering the representation of the petitioner dated 01.02.2021 within a time frame as fixed by this Court.



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For Petitioner : Mr.S.Karthikeyan

For Respondents : Mr.A.K.Manikkam

Special Government Pleader

ORDER

This writ petition has been filed for a writ of mandamus directing the respondents to cancel the document registered as Document No.3381 of 2008 pertaining to the subject property by considering the representation made by the petitioner on 08.02.2021.

2. The case of the petitioner is that the subject property was originally owned by his father by virtue a registered sale deed dated 18.03.1949 registered as Document No.260/1949. The eastern side of the subject property was also conveyed to the petitioner in the year 1951 and thereafter, he was in possession and enjoyment of the same. The further case of the petitioner is that after the demise of his parents, he has been in peaceful possession and enjoyment of the subject property.

3. The grievance of the petitioner is that one Sethuammal and the legal heirs of Ramupillai started claiming a right over the property. Hence, the petitioner along with one Krishnan filed a suit in O.S.No.112 of 2008 before the



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District Munsif Court, Paramakudi against the above said persons and the suit came to be decreed by the judgment and decree dated 25.11.2013. The appeal that was filed by the above said persons in AS No.8 of 2014 along with the connected appeal in AS No.55 of 2014 came to be dismissed by the Sub Court, Paramakudi by a common judgment dated 12.12.2018. In view of the same, the petitioner is claiming absolute ownership over the subject property, which was also confirmed by the competent civil Court.

4. The petitioner thereafter approached the second respondent to cancel the document that was registered by above said Sethuammal in Document No. 3381/2008. Since the same was not acted upon, the present writ petition has been filed before this Court.

5. The learned Special Government Pleader submitted that the second respondent cannot deal with the representation made by the petitioner seeking for cancellation of the document and such application can only be made before the District Registrar. If the petitioner makes an application before the District Registrar along with all the relevant documents, the same will be considered and orders will be passed in accordance with law.



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6. Taking to consideration the facts and circumstances of the case and the submissions made by the learned Special Government Pleader, there shall be a direction to the petitioner to make a fresh application / representation before the District Registrar, Ramanathapuram seeking for cancellation of the document registered in Document No.3381/2008. The petitioner shall submit all the relevant documents and also a copy of this order. The District Registrar, Ramanathapuram shall deal with the same, after issuing notice to all the interested parties and shall pass final orders within a period of three months from the date of receipt of the representation from the petitioner.

7. This writ petition is disposed with the above directions. No costs.

16.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To,

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2.The Sub Registrar,
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N.ANAND VENKATESH, J.

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Dated:
16.10.2023