



WP(MD)No.6068 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.6068 of 2021

M.Saranya

...Petitioner

/Vs./

1.The District Registrar,
Mahal, Madurai South,
Madurai District.

2.The Sub Registrar,
Joint No.1, Madurai South,
Mahal,
Madurai District.

3.P.S.Rajan

....Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of mandamus by directing the 1st respondent to conduct enquiry on the fraudulent registration of Document No.6882/2019 on the file of the 2nd respondent, as per the circular issued by The Inspector General of Registration in his proceedings in Letter No.41530/U1/2017 dated 31.07.2018 and proceed in accordance with law.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader.



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ORDER

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This writ petition has been filed for issuance of writ of mandamus directing the first respondent to conduct an enquiry based on the representation made by the petitioner on 31.01.2021, wherein the petitioner is seeking for cancellation of the document registered as Doc.No.6882 / 2019 on the file of the second respondent.

2. The case of the petitioner is that the 3rd respondent had executed a sale deed in her favour, which was registered as Document No.6882/2019. After registration of the document, the petitioner came to know that the third respondent does not have any right or title over the property and conveyed the same to the 3rd respondent. The 3rd respondent also agreed to cancel the document.

3. The further case of the petitioner is that the third respondent had already repaid back the entire sale consideration to the petitioner. In spite of the same, the 3rd respondent was not cooperating for cancellation of the document. Therefore, the petitioner made a representation to the 1st and 2nd respondents in this regard. Since the same was not acted upon, the present writ petition has been filed before this Court.



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4. Heard Mr.J.Jeyakumaran, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondents.

5. In the considered view of this Court, the petitioner seeks to cancel the sale deed executed in her favour on the ground that the 3rd respondent did not have any right or title over the property. The petitioner also agrees to the fact that the entire sale consideration has been repaid back to the petitioner. Therefore, if according to the petitioner, sale deed executed in her favour is non-est in the eye of law, the petitioner can go before the civil Court and seek for such clarification. If the third respondent does not contest the case, the petitioner can as well get en exparte decree and thereby the sale deed itself can be set at naught.

6. In view of the above, liberty is given to the petitioner to approach the competent civil Court and seek for declaration against the sale deed that was registered as Document No.6882/19 and proceed further in accordance with law.



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16.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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TO:-

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Mahal,
Madurai South,
Madurai District.
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Madurai District.



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.6068 of 2021

Dated:
16.10.2023