



W.P(MD)No.12756 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.12756 of 2019

and

W.M.P(MD)No.9512 of 2019

1.S.Jeyaram Moorthy

2.D.Subbulakshmi

3.K.Sumathi

... Petitioners

Vs.

1.The District Registrar,
District Registrar Office,
58/1, Kutchery Road,
Virudhunagar District-626 001.

2.The Sub Registrar,
Aruppukottai Sub Registrar Office,
Thiruchuli Road,
Aruppukottai,
Virudhunagar.

3.V.Vimala

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate steps to annul the registration of the documents pertaining to R.S.No.128/1 in Aruppukottai Village, Aruppukottai Taluk, Virudhunagar District made on 30.12.2010 namely the sale deed registered as Document No. 9434/2010 in the office of the second respondent as well as all the subsequent



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documents registered in the office of the second respondent in respect of the said survey number by taking appropriate actions and consequently direct them to carry out necessary changes in the registers pertaining to the encumbrances in respect of the said R.S. No:128/1 in Aruppukottai Village, Aruppukottai Taluk, Virudhunagar District from 30.10.2010 till date by considering the petitioners' representation dated 01.03.2019.

For Petitioners : Mr.V.Ramakrishnan
For R-1 & R-2 : Mr.S.Shanmugavel
Additional Government Pleader
For R-3 : Mr.S.Parthasarathy
for Mr.S.Govindan

ORDER

Heard the learned Counsel on either side.

2. The petitioners feel aggrieved by the misdescription in the sale deed dated 30.12.2010 (document No.9434/2010) on the file of the second respondent executed in favour of the third respondent. The third respondent has subsequently developed the property and entered into a number of transactions.

3. The issue has arisen in this manner. The petition mentioned lands are comprised in T.S.No.11/1, Aruppukottai Town. The property purchased by the third respondent is comprised in T.S.No.11/2. Actually, T.S.No.11/2 corresponds to old R.S.No.128/2 while T.S.No.11/1 corresponds to old R.S.No.



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128/1. Unfortunately, while preparing the correlation register, T.S.No.11/2 was also correlated to old R.S.No.128/1 in stead of correctly mentioning it as 128/2.

That is why in the document executed in favour of the third respondent and in the documents executed by her, the old R.S. number was mentioned as 128/1. Subsequently, the jurisdictional Tahsildar at the instance of the petitioners had clarified the position.

4. While the relief sought for in this writ petition cannot be granted, the interest and rights of the petitioners can be adequately protected by declaring that the property purchased by the petitioners as well as the plots sold out by the petitioners in favour of third respondent are comprised in T.S.No.11/2 corresponding to old R.S.No.128/2. The second respondent is directed to register this order made in this writ petition so that the petitioners rights are safeguarded. I am granting this direction because it has been accepted before me that the property owned by the writ petitioners and the property that is subject matter of sale in favour of third respondent are distinct from each other. This writ petition stands disposed of accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

02.02.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

To

- 1.The District Registrar,
District Registrar Office,
58/1, Kutchery Road,
Virudhunagar District-626 001.
- 2.The Sub Registrar,
Aruppukottai Sub Registrar Office,
Thiruchuli Road,
Aruppukottai,
Virudhunagar.



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G.R.SWAMINATHAN, J.

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