



W.P.(MD)No.18657 of 2021

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+BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18657 of 2021

Saravanan

... Petitioner

Vs

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai-28.
- 2.The District Registrar (Administration),
Trichy District,
Trichy.
- 3.The Sub Registrar,
Thuraiyur Sub Registrar's Office,
Thuraiyur,
Trichy District.
- 4.Valliyammai
- 5.Selvi
- 6.Bala
- 7.Gayathri
- 8.Kalaiselvi
- 9.Hariharan
10. Kalaiselvan
- 11.Kalaiselvan
- 12.Selvakumar

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents Nos.1 to 3 to cancel the Registered sale deed in Doc.No.8279 of 2011 dated 12.08.2011 on the basis of petitioner's representation dated 20.07.2021

For Petitioner : Mr.K.Arunraj

For R-1 to R-3 : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing respondent Nos.1 to 3 to deal with the representation made by the petitioner on 20.07.2021, wherein, the petitioner has sought for cancellation of the sale deed dated 12.08.2011, registered as Document No.8279 of 2011.

2. The case of the petitioner is that the properties comprised in S.F.Nos.116/3 and 117/2 measuring an extent of 1.84 acres and 36 cents respectively, originally, belonged to the grandfather of the petitioner. The grandfather, the father of the petitioner and the paternal uncle had jointly sold an extent of 50 cents to one Palaniammal through a registered sale deed in the year 1962. The further case of the petitioner is that on the



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demise of the grandfather, his sons became entitled to the property. There was also an oral partition among them. The father of the petitioner had borrowed money from his brother and had given his share as a security. It is stated that the father of the petitioner repaid back the entire amount and he died on 25.01.1992. The father's brother also died in the year 2006.

3. The grievance of the petitioner is that one Annadurai, who is the paternal uncle's son sold the entire property to respondent No.12 including the property that belongs to the petitioner which was inherited by the petitioner. This came to light only in the year 2021. Immediately thereafter, the petitioner made a representation to the second respondent to cancel the sale deed dated 12.08.2011. Since the same was not considered, the present Writ Petition has been filed before this Court.

4. Heard the learned counsel on either side.

5. It is seen from the representation made by the petitioner as well as the affidavit filed in support of the Writ Petition that the petitioner has filed a suit in O.S.No.54 of 2021 which is pending on the file of the



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competent Civil Court at Thuraiyur. The petitioner has sought for the relief of partition and separate possession of half share in the suit property.

While prosecuting this suit, the petitioner has also approached the second respondent seeking for cancellation of the sale deed dated 12.08.2011. In the light of the civil proceedings initiated by the petitioner, the second respondent cannot parallelly deal with the representation made by the petitioner. In view of the same, if so advised, the petitioner can also seek for the relief of declaration to declare the sale deed dated 12.08.2011 as null and void before the concerned Court. This issue can also be considered along with the claim made by the petitioner for partition and separate possession of ½ share in the suit property. Except giving this clarity, no further orders can be passed in this Writ Petition.

6. This Writ Petition is disposed of with the above directions.

No costs.

09.11.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The Inspector General of Registration,



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No.100, Santhom High Road,
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2.The District Registrar (Administration),
Trichy District,
Trichy.

3.The Sub Registrar,
Thuraiyur Sub Registrar's Office,
Thuraiyur,
Trichy District.

N.ANAND VENKATESH, J.



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