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W.P.(MD)NO.13893 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13893 of 2015 AND

M.P.(MD)Nos.1 & 3 of 2015

K.Srinivasan

... Petitioner

Vs.

1. The Inspector General of Registration cum
Chief Revenue Controlling Authority,
No.100, Santhome High Road,
Chennai.

2. The District Registrar,
Karaikudi.

3. The Sub-Registrar Joint No.II,
Karaikudi.

4. S.Chelladurai,
Advocate Receiver,
No.10, K.S.M.Vellalar Street,
Devakottai – 630 302,
Sivagangai District.

(R-4 is impleaded vide order dated 18.09.2015
in M.P.(MD)No.2 of 2015)

5. M/s.Karpaga Vinayagar Firm,
Rep. by its Partner V.Lakshumanan,
S/o.Veerappan Servai,
D.No.14, Subramaniyapuram I Street,
Karaikudi,
Sivagangai.

(R-5 is impleaded vide order dated 11.09.2023
in M.P.(MD)No.4 of 2015)

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the proceedings of the second respondent in Na.Ka.No.2030/1/2013 dated 30.06.2015 and quash the same in so far as it is against the petitioner and his sale deed registered as document No.9229/2011 before the third respondent and for other suitable orders.

For Petitioner : Mr.H.Lakshmi Shankar
For R-1 to R-3 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.
For R-4 : Mr.G.Mohankumar
For R-5 : Mr.J.Barathan

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents and the learned counsel appearing for respondents 4 and 5.

2. The fourth respondent / Advocate receiver has since passed away and no alternative arrangements have been made.

3. The petitioner purchased a house site in plot No.53,



Checkalaikottai Village, Karaikudi Taluk vide sale deed dated 30.11.2011 from one Shanmugasundaram through his power agent. The petitioner's vendor in turn had purchased the plot under the sale deed dated 15.11.1996 (document No.3750/1996). The petitioner traces his title to one of the parties in O.S.No.72 of 1933 on the file of the Sub Court, Devakottai. Preliminary decree had been passed in the said partition suit. However, final allotment is yet to be made. While so, one Karpaga Vinayagar firm made a claim that the interest purchased by them from the Advocate Receiver overlapped with that of the petitioner and others. Espousing cause of the said firm, the Advocate Receiver lodged a complaint before the District Registrar, Karaikudi on 14.03.2013. During the relevant time, C.R.P.(MD)Nos.278 of 2006 etc., W.P.(MD)No.10716 of 2013 and Cont.P.(MD)No.897 of 2013 were pending before this Court and interim order had also been granted thereon. Referring to the said interim order as well as the Circular No.67 dated 03.11.2011 issued by the Inspector General of Registration, the District Registrar, Karaikudi passed the impugned proceedings dated 30.06.2015 cancelling the sale deed executed in favour of the petitioner as



well as the parent document nullifying the sale deed executed in favour of the petitioner. Challenging the same, the present writ petition came to be filed.

4. The learned counsel appearing for the fifth respondent reiterated all the contentions set out in the affidavit filed in support of M.P.(MD)No.4 of 2015.

5. After hearing both sides, I am more than satisfied that the impugned proceedings will have to be set aside insofar as the petitioner is concerned. This is for more than one reason.

a) Circular No.67 dated 03.11.2011 has since been withdrawn vide Circular No.41530/U1/17 dated 09.04.2018 and the orders passed under the aforesaid circular were also directed to be recalled.

b) On 09.08.2019, a learned Judge of this Court disposed of the batch of litigations referred to in the impugned proceedings. It was held therein that the shortfall complained by Karpaga Vinayagar Firm is lying within Karaikudi Alagappa University and not within the land purchased by the petitioner and similarly placed persons.



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6. In view of the aforesaid twin reasons, the impugned order is quashed. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

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G.R.SWAMINATHAN,J.

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