



W.P.(MD)No.20471 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20471 of 2021

K.V.Natrayan

... Petitioner

Vs

1.The District Registrar
District Registrar Office,
Dindigul.

2.The Sub Registrar
Sub Registration Office,
Kodaikanal,
Dindigul District.

3.Banukumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 25.03.2021 and thereby to take appropriate action upon petitioner's representation to cancel the sale deed No.1850/2006 executed by the petitioner on 06.12.2006 on the file of the 2nd respondent office and made necessary entries in the register maintained by the 2nd respondent office within a time frame fixed by this Court.



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For Petitioner : Mr.V.Manikandan
For R-1 & R-2 : Mr.K.S.Selva Ganesan,
Additional Government Pleader
For R-3 : Mr.R.G.Shankar Ganesh

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first and second respondents to deal with the representation made by the petitioner on 25.03.2021, wherein, the petitioner is seeking for the cancellation of the sale deed dated 06.12.2006 executed in favour of the third respondent.

2. Heard the learned counsel on either side.

3. The petitioner had executed a sale deed dated 06.12.2006 in favour of the third respondent. The grievance of the petitioner is that instead of mentioning Survey No.847/5, it was wrongly mentioned as Survey No.767/9 and taking advantage of the same, the third respondent was attempting to interfere with the possession and enjoyment of the property of the petitioner in Survey No.767/9. When the petitioner sought for rectification, the third respondent was not willing to come forward to



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rectify the document. Hence, a representation was made before the first and second respondents seeking for the cancellation of the document. Since the same was not acted upon, the present Writ Petition has been filed before this Court.

4. The nature of grievance that has been expressed by the petitioner cannot be dealt with by the first respondent and it is beyond the scope under Section 68 (2) of the Registration Act 1908. There is no dispute with regard to the fact that the petitioner had executed the sale deed in favour of the third respondent. According to the petitioner, instead of mentioning the Survey Number as 847/5, it was wrongly mentioned as Survey No.767/9 and taking advantage of the same, the third respondent was trying to disturb the possession in Survey No.767/9. Either, a rectification deed has to be executed and if the third respondent is not co-operating for the same, the petitioner has to approach the competent Civil Court and seek for the appropriate relief. This dispute cannot be resolved by the District Registrar. Except giving this liberty to the petitioner to approach the competent Civil Court, no further orders can be passed in this Writ Petition.



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5. This Writ Petition is disposed of in the above terms. No costs.

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NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The District Registrar
District Registrar Office,
Dindigul.

2.The Sub Registrar
Sub Registration Office,
Kodaikanal,
Dindigul District.



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N.ANAND VENKATESH, J.

tsg

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