



W.P(MD)No.15574 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15574 of 2015

and

M.P.(MD)No.1 of 2015

K.Arunkumar

... Petitioner

Vs.

**1.The Sub Registrar,
Srivaikundam,
Tuticorin District.**

2.K.S.G.Vergis (died)

3.Ponnamma G Vergis

4.Ain Vergis

**(Respondents 3 & 4 are impleaded
by this Court vide order dated 02.08.2023
in W.M.P.(MD)No.9570 of 2017)**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent registering the impugned cancellation deed of sale in Document No. 1225/95 dated 08.09.1995 executed by the 2nd respondent and quash the same and further direct the 1st respondent to remove the entry made regarding Document No. 1225/95 dated 08.09.1995 in Book.No.1 of his office.



W.P(MD)No.15574 of 2015

For Petitioner : Mr.H.Arumugam
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1
: no appearance for R3 & R4

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the registering authority /R1. The second respondent is no more. His legal heirs have been served and their names are printed in the cause list. But they have not chosen to enter appearance.

2. The second respondent executed a sale deed dated 24.05.1995 (Document No.713/1995) in favour of the petitioner. On 08.09.1995, the sale deed was unilaterally cancelled. The petitioner states that he was unaware of the execution of the deed of cancellation. Even before the cancellation deed was registered, the petitioner had already made alienations. Only from the one of the purchasers, the petitioner came to know in the year 2015 about the registration of the cancellation deed. Thereupon, the present writ petition came to be filed.



W.P(MD)No.15574 of 2015

WEB COPY

3. The issue raised in the writ petition is no longer *res integra*.

It is covered by the decisions of the Full Bench of this Court (2011 (2) CTC 1 (*Latif Estate Line India Ltd Vs. Hadeeja Ammal*) & 2022 (5) CTC 257 (*Sasikala Vs. the Revenue Divisional Officer*).

4. Respectfully applying the ratio laid down above, the impugned registration of the deed of cancellation dated 08.09.1995 is set aside. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

The Sub Registrar,
Srivaikundam,
Tuticorin District.

3/4



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W.P(MD)No.15574 of 2015

G.R.SWAMINATHAN, J.

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W.P(MD)No.15574 of 2015

02.08.2023