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W.P.(MD)No.20686 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.20686 of 2021

Govindan

... Petitioner

Vs.

1.The Inspector General of Registration,  
Office of the Register General,  
No.100, Santhom Road,  
Manthaiveli Pakkam, Chennai 28.

2.The District Registrar,  
District Register Office,  
Pudukottai, Pudukottai District.

3.The Sub Register,  
Office of the Sub Registrar Office,  
Thirumayam, Pudukottai District.

4.Pandian

5.Jahirhussian

6.Duraipandian

...Respondents

**PRAYER :** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the Respondents No.1 and 2 to cancel the fraudulent Sale Deed in Document bearing No.668 of 2021 on the file of the 3rd Respondent by consider the Petitioners representation dated 22.09.2021 within a time stipulated by this Court.

For Petitioner : Mr.A.Uthayakumar



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For R1 to R3 : Mr.A.K.Manikkam  
Special Government Pleader  
For R4 to R6 : Mr.M.Thirunavukkarasu

### **ORDER**

This writ petition has been filed for the issue of writ of mandamus directing the second respondent to deal with the representation dated 22.09.2021, wherein the petitioner has sought for cancellation of the sale deed registered as document No.668/2021.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the respondents 4 to 6.

3.The case of the petitioner is that he is the absolute owner of the subject property at Survey Nos.233/2B2 and 233/9O2, totally measuring an extent of 2 acres and 4 cents situated at Melur Village, Thirumayam Taluk. The further case of the petitioner is that a portion of the property in Survey No.233/9O2 was acquired by the National Highways Department and thereafter, sub division took place. The new survey number is Survey Nos.233/9O2A and 233/9O2B and separate patta has also been issued to the petitioner in Patta No.3185.



4.The grievance of the petitioner is that the fourth respondent attempted to interfere with the possession and enjoyment of the property. Hence, he filed a suit in O.S.No.101 of 2017 before the District Munsif Court, Thirumayam. Whiles, the fourth respondent along with the fifth respondent created fraudulent document with respect to the property in Survey No.233/9O2B and sale deed came to be executed in favour of the fifth and sixth respondents on 26.02.2021 and this document was registered as document No.668 of 2021 by the third respondent. The petitioner made an application /representation before the second respondent on 22.09.2021 seeking cancellation of that document. Since the same was not acted upon, the present writ petition was filed before this Court.

5.The respondents 4 to 6 have filed a detailed counter affidavit and have explained as to how they have a right over the property. A memo has also been filed by the learned counsel appearing for the respondents 4 to 6 stating that the fourth respondent died during the pendency of this writ petition and no particulars have been provided to implead the legal representatives of the fourth respondent.

6.Taking into consideration of the facts and circumstances of the case and the nature of relief that has been sought for by the petitioner and



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considering the materials placed before this Court, there shall be a direction to the second respondent to deal with the application/representation made by the petitioner dated 22.09.2021 and conduct enquiry after issuing notice to the petitioner, the legal heirs of the fourth respondent and respondents 5 and 6. Orders shall be passed on its own merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

7.This writ petition is disposed of with the above directions. No costs.

**16.11.2023**

NCC : Yes / No  
Index : Yes/No  
Internet : Yes/No  
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To

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**N.ANAND VENKATESH, J.**

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