



W.P.(MD)No.22037 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.22037 of 2021

and

W.M.P.(MD)No.18645 of 2021

N.Velmurugan

... Petitioner

-VS-

1.The Inspector General of Registration,
100, Santhome Road, Chennai - 600 028.

2.The District Registrar,
District Registrar Office (South),
Madurai.

3.The Sub Registrar,
Sub Registrar Office,
Tirumangalam, Madurai District.

4.Indhumathi

5.Mayandi

6. Maruthayee

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the entry of fraudulent sale deed Document No.4016/2020, dated 22.07.2020 and consent deed Document No.4149/2020, dated 27.07.2020, registered in

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favour of the fourth respondent from their records as per Circular No. 20217/U1/2021, dated 09.07.2021, within a time frame based on the representations of the petitioner, dated 08.12.2020 and 25.11.2021.

For Petitioner : Mr.S.Sivaprakash
For R1 to R3 : Ms.D.Farjana Ghoushia
Special Government Pleader
For R4 to R6 : No Appearance

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 and 2 to remove the entry made in the records pertaining to the sale deed and consent deed, registered as Document Nos. 4016/2020 and 4149/2020 respectively, based on the representations made by the petitioner on 08.12.2020 and 25.11.2021.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents 1 to 3.



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3. The grievance of the petitioner is that the fifth respondent had unilaterally executed a sale deed in favour of the fourth respondent by disregarding the rights of other legal heirs, who have a share in the property. By virtue of this sale deed, the fourth respondent was attempting to interfere with the possession and enjoyment of the property. Hence, the petitioner made a representation before the respondents 1 and 2, seeking for removal of the entry made in the records pursuant to the registration of the sale deed. Since the same was not acted upon, the present Writ Petition has been filed before this Court.

4. On going through the records, it is seen that the fourth respondent has already instituted a suit in O.S.No.126 of 2020 before the District Munsif Court, Tirumangalam and in this suit, the petitioner and five others have been made as defendants. In view of the same, it is always left open to the petitioner to question the sale deed that was executed in favour of the fourth respondent before the competent Civil Court. Therefore, it is not necessary for the petitioner to prosecute the case parallelly before the respondents 1 and 2. Except giving this clarity, no further orders can be passed in this Writ Petition.

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5. This Writ Petition is disposed of accordingly. No costs.

Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No

Index : Yes/No

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21.11.2023

To

1.The Inspector General of Registration,
100, Santhome Road, Chennai - 600 028.

2.The District Registrar,
District Registrar Office (South),
Madurai.

3.The Sub Registrar,
Sub Registrar Office,
Tirumangalam, Madurai District.



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N.ANAND VENKATESH, J.

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