



WP(MD)No.23179 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.11.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.23179 of 2021

V.Muthukrishnan

...Petitioner

/Vs./

1.The District Registrar,
Integrated Registration Office Campus,
Velunachiyar Campus,
Dindigul,
Dindigul District.

2.The Joint Sub Registrar,
O/o. The Joint No.1 Sub Registrar,
Dindigul,
Dindigul District.

3.Palanivel

4.Mallika

5.Sam Ilango

6.Sam Rose

7.S.Sam Esakiyo

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to cancel the void Sale Deed document vide Doc. No.1506/2021 dated 28.04.2021 registered



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before the 2nd Respondent Office on the properties comprised in Survey Nos. 44/1B and 44/2A, situated at Seelapadi Village, Dindigul Taluk, Dindigul District to and extent of 16 Cents, by considering the Petitioner's representation dated 15.11.2021.

For Petitioner : Mr.S.Mandhirlingeswaran

For Respondents : Ms.D.Farjana Ghoushia (R1 & R2)

Special Government Pleader

Mr.Muthuvijayapandian (R5 to R7)

No appearance (R3 & R4)

ORDER

This writ petition has been filed for issuance of writ of mandamus, directing the first and second respondents to consider the representation made by the petitioner on 15.11.2021, wherein the petitioner has sought for cancellation of the sale deed dated 28.04.2021 which was registered on the file of the second respondent in Document No.1506/2021 with respect to the subject property.

2. Heard Mr.S.Mandhirlingeswaran, learned counsel for the petitioner, Ms.D.Farjana Ghoushia, learned Special Government Pleader appearing for the official respondents and Mr.Muthuvijayapandian, learned counsel for the respondents 5 to 7.



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3. The grievance of the petitioner is that he has a share in the subject property. During the pendency of this writ petition, a suit has also been filed in OS No.268 of 2020 before the Principal District Munsif, Dindigul seeking for cancellation of the decree passed in OS No.319 of 2014. In the meantime, the sale deed came to be executed with respect to subject property. It is under these circumstances, the petitioner had sought for cancellation of the sale deed by making a representation before the first and second respondents.

4. In the considered view of this Court, the ground that has been raised by the petitioner for cancellation of the document cannot be dealt with by the first respondent. The petitioner has already instituted a suit and the petitioner has to necessarily work out the remedy only in the suit. The first respondent cannot parallelly deal with the same issue. Even otherwise the power of the first respondent under Section 77A of the Registration Act, 1908 has already been kept in abeyance by virtue of the proceedings of the Inspector General of Registration dated 29.09.2023 in Circular No.03 of 2003. Therefore, the first respondent cannot deal with the representation made by the petitioner.



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5. In view of the above, the relief sought for in this writ petition cannot be granted by this Court. It is left open to the petitioner to work out his remedy in the pending suit. This writ petition is disposed of accordingly. No costs.

23.11.2023

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



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TO:-

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N.ANAND VENKATESH, J.

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Order made in
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