



W.A.(MD)No.1024 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.(MD)No.1024 of 2023

Saranya

... Appellant / Petitioner

Vs.

1.The District Registrar,
Department of Registration,
Karur District, Karur.

2.The Sub Registrar,
Department of Registration,
Melakarur, Karur Town.

3.Shanthi

4.Manoharan

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 06.06.2022 made in W.P.(MD)No.9031 of 2022 on the file of this Court.

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For Appellant : Mr.R.Subramaniam
For R1 & R2 : Mr.M.Lingadurai,
Special Government Pleader
For R3 : Mr.I.Velpradeep

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge dated 06.06.2022 made in W.P.(MD)No.9031 of 2022.

2.The case of the petitioner is that she is the daughter of the 4th respondent, who executed a sale deed vide Document No.139 / 2006, dated 30.12.2005 registered on the file of the 2nd respondent. The petitioner has submitted a representation to the 2nd respondent to cancel the sale deed on the ground that her father was impersonated and therefore, the document was not executed by her father.

3.The Writ Petition filed by the petitioner for issuance of Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 22.02.2022 was dismissed by the learned Single Judge on the short ground



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that the petitioner has no *locus standi* to maintain the Writ Petition, as she is not the aggrieved person.

4.The learned counsel appearing for the appellant has repeated the facts, which are stated in the affidavit. The representation of the writ petitioner before the 1st respondent was to cancel the sale deed executed by her own father in favour of some third party. In the said representation the writ petitioner stated that her father was cheated and his signature was obtained without impleading his legal heirs. Therefore, the writ petitioner now seeks to establish that the sale deed executed by her father is not binding on her. When the writ petitioner came up with a case that the document was executed by impersonation, the learned Single Judge has rightly said that the writ petitioner has no *locus standi* to challenge the sale deed, when her father is alive. Even if the writ petitioner's case is that her father has no right to execute the sale deed, she cannot seek cancelation of the sale deed. Therefore, in either way, the relief sought for by the writ petitioner cannot be granted by this Court. However, it is open to the writ petitioner to establish her case before the Civil Court for partition of the properties. When the writ petitioner is not a party to the sale deed, it is not binding on her and she can ignore the sale deed. At no stretch of law a third party to a registered document of conveyance



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can seek cancellation of registration before the Sub-Registrar. Hence, there is no merit in this appeal. Accordingly, this Writ Appeal is dismissed. No costs.

(S.S.S.R., J.) & (D.B.C, J.)

11.07.2023

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

Yuva

To

1.The District Registrar,
Department of Registration,
Karur District, Karur.

2.The Sub Registrar,
Department of Registration,
Melakarur, Karur Town.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

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