



W.P(MD)No.28504 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28504 of 2022

Arokiyasamy

... Petitioner

Vs.

1.The District Registrar,
District Registration Office,
Pudukottai District.

2.The Sub Registrar,
Sub Registrar Office,
Viralimalai,
Pudukottai District.

3.Thamarai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to registering petitioner cancellation deed of the sale agreement in Doc. No.2254/2008, dated 25.06.2008, on the file of the second respondent by considering the petitioner's representation, dated 27.10.2022.

For Petitioner : Mr.B.Mahendrarajan

For R-1 & R-2 : Mr.S.Shanmugavel
Additional Government Pleader

For R-3 : Mr.P.Muniyasamy



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ORDER

Heard the learned Counsel on either side.

2. The petitioner and his brother Selvaraj on the one hand and the third respondent on the other entered into sale agreement on 25.06.2008. It was registered as a document No.2254 of 2008 on the file of the second respondent. The petitioner's brother had passed away on 03.09.2009. Now the petitioner and the third respondent entered into an agreement for cancelling the earlier document. It was presented for registration also. But the second respondent declined to register it. That led to the filing of this writ petition. As rightly pointed out by the learned Additional Government Pleader appearing for the first and second respondents, since the agreement involved three parties, it can be cancelled only by a joint document executed by all the three of them. Of course, one party had passed away, but then his legal heirs will have to join in the document. In this case, the petitioner's brother's legal heirs have not joined in the cancellation deed. That is why, the second respondent rightly declined to register document. The second respondent's action cannot be faulted with. It is however, too obvious that the sale agreement, dated 25.06.2008 (Document No. 2254 of 2008) on the file of Viralimalai Sub Registrar Office has become time



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barred. More than anything else, the third respondent herein in whose favour the sale agreement was executed had made it clear that she has no further claim based on said agreement. Therefore, the petitioner need not have any cause for worry. When the third respondent had made it clear that she will not apply for enforce the sale agreement, the matter can be allowed to rest there. The petitioner need not feel aggrieved by the non-registration of the cancellation deed.

3. With these observations, the writ petition stands disposed of. There shall be no order as to costs.

12.01.2023

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

To

1.The District Registrar,
District Registration Office,
Pudukottai District.

2.The Sub Registrar,
Sub Registrar Office,
Viralimalai,
Pudukottai District.



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G.R.SWAMINATHAN, J.

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