



REV.APLW(MD).No.232 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

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DATED: 13.12.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

REV.APLW(MD).No.232 of 2023
and WMP(MD)Nos.24026 and 24028 of 2023

T.Palanivel

... Petitioner

Vs

1. Inderchand Lall

2. The Inspector General of Registration,
O/o. the Inspector of General of Registration,
100 Santhome High Road, Chennai – 600 008.

3. The District Registrar,
O/o. the District Registrar,
District Court Campus, Cantonment, Trichy.

4. The Sub Registrar,
Thiruvambur, Trichy.

... Respondents

Prayer: Review Application is filed under Order 47, Rule 1 r/w Section 114 of C.P.C to review the order passed by this Court in W.P.(MD).No. 14550 of 2020, dated 05.10.2023.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.R.Sundar (R1)

Mr.A.K.Manikkam (R2 to R4)
Special Government Pleader



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ORDER

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When the leave application came up for hearing on 21.11.2023, this Court has passed the following order:

“Heard Mr.M.Saravanan, learned Counsel for the petitioner, Mr.S.Harikrishna, learned Counsel for the first respondent and Ms.S.Jeyapriya, learned Government Advocate appearing on behalf of the respondents 2 to 4.

2.Leave is sought for in this petition on the ground that the petitioner was not heard, when the Writ Petition was disposed of and that certain materials facts were not brought to the notice of this Court, when the Writ Petition was disposed of.

3.According to the petitioner in this petition, the purchaser, viz., Ramjan Begum, who purchased the property from the petitioner, was aware of the fact that the sale deed is going to be cancelled by the petitioner and to substantiate the same, the letter, that was given by the said Ramjan Begum, dated 30.08.2004, was relied upon. It was further contended that it is not a case of unilateral cancellation of sale deed and that the sale deed was cancelled only with the consent of the purchaser of the property.

4.Even in the earlier order, that was passed in the Writ Petition, this Court had taken note of the fact that the Writ Petitioner had already filed a substantive suit in O.S.No.877 of 2014 questioning the conveyance of the property made by the petitioner herein to others and the Writ Petitioner had sought for a declaration and other reliefs. In view of the same, the larger issue with regard to the title over the property is now pending before the competent Civil Court. During the interregnum, the



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Writ Petitioner had approached this Court and sought for the registration of the document in order to mark the said document before the Civil Court during the course of trial.

5.This Court had taken into consideration the judgment of Full Bench of this Court in the case of Sasikala vs The Revenue Divisional Officer cum Sub Collector, Devakottai and others reported in (2002) 7 MLJ 1 and had directed the sale deed to be registered on the ground that the unilateral cancellation of the sale deed is non-est in the eye of law.

6.In the light of the above facts, this Court is inclined to hear the Review Application along with the Writ Petition. Hence, this leave application is allowed. The Registry is directed to number the Review Application, if it is otherwise in order, and post the same along with the Writ Petition in W.P.(MD)No.15864 of 2021 under the caption “for orders” on 05.12.2023.”

2.The learned counsel for the review petitioner submitted that the order passed in W.P(MD) No.14550 of 2020 is an error apparent on the face of the records, since the sale deed that was cancelled by virtue of cancellation deed, dated 25.07.2001 was not an unilateral cancellation and that it was a bilateral cancellation. To substantiate this submission, the learned counsel relied upon the letter given by Ramjan Begum, dated 30.08.2004, the legal notice issued by the first respondent, dated 18.08.2004, the reply notice that was sent by the petitioner on 30.08.2004



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and the subsequent legal notice issued by the first respondent on 14.03.2011, for which, a reply notice was given on 24.03.2011. The learned counsel submitted that the sale deed was not cancelled unilaterally and that the said Ramjan Begum, who was the purchaser of the property was well aware of the cancellation and in fact, she herself had agreed for such cancellation through letter, dated 30.08.2004.

3.In the considered view of this Court, on a plain reading of the cancellation deed, dated 25.07.2001, there is absolutely no indication regarding the so called letter given by Ramjan Begum, dated 30.08.2004. The cancellation deed, on the face of it, only shows that the earlier sale deed was unilaterally cancelled by the review petitioner. If there are other facts/documents, which would establish that it was not an unilateral cancellation and that the cancellation made only after it was agreed by the purchaser of the property, the same should have at least been incorporated in the cancellation deed, dated 25.07.2001. Unfortunately, the same has not been done.



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4.This Court while exercising its jurisdiction under Article 226 of Constitution of India will not go into any of the other documents relied upon by the review petitioner. This Court will merely look into the cancellation deed and see, if it amounts to unilateral cancellation of the earlier sale deed, dated 12.03.2001. On reading of the cancellation deed, dated 25.07.2001, there is absolutely no indication that it was a bilateral cancellation of the earlier sale deed and it only shows that there was a unilateral cancellation of the earlier sale deed. Therefore, the full Bench Judgment that was relied upon by this Court in *Sasikala Vs The Revenue Divisional Officer cum Sub Collector, Devakottai and others* reported in **2022(7) MLJ 1** squarely applicable to the facts of the case. Therefore, this Court does not find any error apparent on the face of the order passed on 05.10.2023.

5.In view of the above, this Court does not find any ground to review the earlier order passed and this review application stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.



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6.This order of dismissal will not stand in the way of the review petitioner to establish his right and title over the property in the pending suit in O.S.No.877 of 2014 on the file of III Additional District Munsif Court, Tiruchirapalli. Merely because this Court had directed the registration of the sale deed, that by itself will not take away the right of the petitioner to make his claim over the subject property in the pending suit. Whatever documents that were relied upon by the review petitioner, can be relied upon even before the Court below and the competent Civil Court will deal with the case, on its own merits and in accordance with law, without being influenced by the order passed in the writ petition in W.P(MD) No.14550 of 2020, dated 05.10.2023 or passed in this review application. This observation will be sufficient to take care of the interest of the petitioner in the pending suit.

13.12.2023

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



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To

1. The Inspector General of Registration,
O/o. the Inspector of General of Registration,
100 Santhome High Road, Chennai – 600 008.

2. The District Registrar,
O/o. the District Registrar,
District Court Campus, Cantonment, Trichy.

3. The Sub Registrar, Thiruvambur, Trichy.

Copy to

The III Additional District Munsif Court, Tiruchirapalli



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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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13.12.2023