



WEB COPY



W.P.No.14265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.14265 of 2024

K.Venkatesan

.. Petitioner

Vs

1.The Inspector General of Registration
No.100, Santhome High Road
Mullima Nagar, Mandavelipakkam
Raja Annamalaipuram
Chennai 600 028

2.The District Registrar
Rangampalayam
Erode, Erode District

3.P.R.Thangamuthu

4.P.Venkatachalam

5.R.Shanthi

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings passed by the 2nd respondent dated 26.09.2023 in Na.Ka.No.4096/A2/2023, quash the same and consequently direct the 2nd respondent to conduct a fresh enquiry in order to cancel the Sale Deed dated 11.06.2009 in document No.2234/2009 and Mortgage Deed in document No.7357/2022.



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For Petitioner : Mr.M.Elango
For R1 and R2 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

Challenging the impugned proceedings of the 2nd respondent dated 26.09.2023, this writ petition has been filed.

2. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

3. According to the petitioner, he gave a complaint to the 2nd respondent on 01.08.2023, alleging that the 3rd respondent/Power Agent of his mother, did not hand over the sale consideration received by the 3rd respondent, in respect of the Sale Deed executed by him on 11.06.2009, which was registered as document No.2234 of 2009 and therefore, the said Sale Deed is sought to be cancelled.

4. The grievance of the petitioner before the 2nd respondent is that though the Sale Deed was executed in the year 2009 by the 3rd respondent, the 3rd respondent did not hand over the sale consideration to his mother. The



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2nd respondent, *vide* his impugned proceedings, rejected the petitioner's request

on the ground that the recitals in Sale Deed No.2234 of 2009, go to show that the property involved therein was sold by the 3rd respondent only in the capacity of its owner and not in the capacity of being the Power Agent of the petitioner's mother. It is also stated in the impugned proceedings that it is for the petitioner to approach the competent Court seeking appropriate relief. Challenging the said proceedings of the 2nd respondent, the present writ petition has been filed.

5. At the outset, the very writ petition and the power of the Registrar is misconceived. Even assuming if the sale consideration has not been paid as alleged by the petitioner, that cannot be a ground to annul the very transaction itself. The remedy of the vendor lies elsewhere to recover the unpaid sale consideration and not to seek for cancellation of the document, that too, after a period of 14 years of its execution.

In such view of the matter, I do not find any merit in this writ petition and the same stands dismissed. No costs.

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Index : Yes/No

Neutral Citation : Yes/No

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N.SATHISH KUMAR, J.

gya

To

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