



Review Application (Writ) No.32 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2024

CORAM :JUSTICE N.SESHASAYEE

Review Application (Writ) No.32 of 2021

R.Pazhani

... Review Applicant / III Party

Vs.

1.Sankar

2.The Sub Registrar

The Sub Registrar's Office
Mylam, Tindivanam Taluk
Villupuram District.

... Respondents / Respondents

Prayer : Review Application filed under Order 47 Rule 1 r/w. Section 114 of the CPC., praying to review the order dated 05.01.2021 made in W.P.No.20461 of 2020 and thereby dismiss the same and pass such further or other orders as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.T.S.Vijaya Raghavan

For Respondents : Mr.Antony Jesus for R1
Mr.B.Vijay
Additional Government Pleader for R2



WEB COPY



Review Application (Writ) No.32 of 2021

ORDER

The review petitioner is not a party to the proceedings in W.P.No.20461 of 2020, which was filed by Sankar, the first respondent, seeking a direction to the second respondent/Sub Registrar, Mylam, Dindivanam Taluk to release the sale deed dated 21.10.2020, after registering it. The review petitioner as a third party has filed this review petition to set aside the order passed by this Court in W.P.No.20461 of 2020 on 05.01.2021.

2.1 According to the review petitioner, he is the owner of the property in S.No.45/1, correlated to RS.No.13/1 of Aanpakkam Village, Vanur Taluk, Villupuram District, having an extent of 4.32 acres. Sometime in July 2013, a certain Rajalakshmi and four others had conveyed this property to certain Rasu and Arumugam, who are the vendors of the writ petitioner. Be that as it may, the review petitioner had created a mortgage over the said property with one Natarajan under a deed of mortgage dated 19.12.2013. This was precisely when the review petitioner came to know that his property was conveyed to Rasu and Arumugam vide sale deed dated 15.07.2013, and he



Review Application (Writ) No.32 of 2021

duly registered an FIR against them. However, notwithstanding the filing of FIR by the review petitioner, the said Rasu and Arumugam instituted a suit in O.S.No.98 of 2014 before the District Munsif Court, Vanur for a relief of declaration and permanent injunction against the review petitioner. The review petitioner on his part has filed a counter claim for declaration of his title and for permanent injunction.

2.2 Pending the suit, the said Rasu and Arumugam have sold the property to the writ petitioner vide sale deed dated 29.10.2020. Thereafter, the writ petitioner approached the Sub Registrar Office, Mylam, Tindivanam Taluk for registering the said sale, but the same was delayed by the Sub Registrar. Hence, the writ petitioner approached this Court with W.P.No.20461 of 2020 for the release of said sale deed after registering it, and this Court too had passed an order on 05.01.2021, directing the Sub Registrar, Mylam, Tindivanam District to register the said sale deed. It is thereafter, the review petitioner approached the Sub Registrar, Mylam with his objections. In this background, on 27.01.2021, the review petitioner has moved a petition for the leave of the Court for preferring a review petition. And since this Court has sensed, that fraud might have been played, it instructed the law officer



Review Application (Writ) No.32 of 2021

concerned to inform the Sub Registrar not to release the document.

However, in spite of the law officer conveying the instruction of the Court, the Sub Registrar has released the document. This Court had passed a detailed order dated 01.02.2021 in the review application at the SR stage itself.

3. Incidentally, this Court noticed that a direction was issued by this Court in its order dated 01.02.2021 in Rev.Aplw.SR.No.7383 of 2021, requiring the Inspector General of Registration to probe into certain perceived overreach by the concerned Sub Registrar.

4. When the present review petition came up for hearing on 20.09.2024, this Court wanted to ascertain the same and required Mr.B.Vijay, learned Additional Government Pleader to make a statement on that.

5. Mr.B.Vijay, learned Additional Government Pleader today makes a statement that the Inspector General of Registration had probed into the matter and found the Sub Registrar concerned guilty of certain misconduct under Rule 17(b) of Tamil Nadu Government Civil Services (Discipline and



Review Application (Writ) No.32 of 2021

Appeal) Rules.

WEB COPY

6. Set in the context, this Court is inclined to dispose of this review petition with a direction to the review petitioner to agitate all his contentions in the suit in O.S. No. 98 of 2014 on the file of the District Munsif Court, Vanur. However, the Court was informed at this juncture that the suit in O.S. No. 98 of 2014 was dismissed on 04.09.2024 for default. Therefore, the review petitioner is directed to raise all the contentions made herein in O.S.No. 98 of 2014 if the same has been restored to file, which includes his right to file any additional pleadings and to make his contentions now raised as part of his pleadings before the trial court. Or else, institute a fresh suit for the said purpose. No costs.

27.09.2024

ds

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

To:

The Sub Registrar

The Sub Registrar's Office

Mylam, Tindivanam Taluk



Villupuram District.

WEB COPY



Review Application (Writ) No.32 of 2021

N.SESHASAYEE.J.,

ds

Review Application (Writ) No.32 of 2021

27.09.2024



WEB COPY



Review Application (Writ) No.32 of 2021