



WEB COPY



WP.No.3859 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.3859 of 2023

K.Arumugam

Petitioner

Vs

1. The District Registrar, Registration Department,
Saram, Puducherry 605 013

2. Chidambara Gurukkal

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 1st Respondent to dispose of the representation of the Petitioner dated 03.11.2022 relating to cancelling the bogus sale deed dated 28.02.1992 registered as Document No.1268 of 1993, registered in the Office of the Sub Registrar, Puducherry executed in favour of the 2nd Respondent by conducting a proper enquiry by giving an opportunity to the 2nd Respondent within a time frame.

For Petitioner : Mr. G.Chandrasekaran

For Respondents : Mrs.V.Usha, AGP(Pondy)-R1
R2- deceased

ORDER

1. This Writ Petition is filed to issue a Writ of Mandamus to direct the 1st Respondent to dispose of the representation of the Petitioner dated 03.11.2022, relating to cancellation of the sale deed dated 28.02.1992 executed in favour of the 2nd Respondent by conducting a proper enquiry.



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2. This Court heard the learned counsel on either side, considered their submissions and also perused the materials placed on record.

3. It is the case of the Petitioner that the Petitioner's father originally purchased two properties on different dates and later he sold one of the properties. He has purchased the property in Cadastre No.778 3/3 and Cadstre No.778 1/3 in the year 1924 and thereafter, he also purchased another property measuring 4 acres and 70 cents in Pimache Nos.5332, 5334, by a sale deed dated 21.12.1926. The father of the Petitioner had sold half of the Property A, measuring an extent of 2 kuzhi and 7 veesam and whole of the property B to his younger brother Ragava Gounder. Thereafter, his uncle has executed a Will in favour of the Petitioner. After the death of his uncle and the Petitioner's father, the Petitioner became the absolute owner of the properties. The Petitioner has also filed a suit to declare him as a legal heir of his deceased parents and he was also declared as their legal heir by a judgement and decree in OS.No.2112 of 2018. Similarly, in another suit, the Petitioner was also declared as a legal heir of his uncle in OS.No.644 of 2022. When the Petitioner started to put up a construction, the Petitioner came to know that the sale deed was already executed by a third party in respect of the properties in the year 1992 in favour of the 2nd Respondent. Hence, according to the Petitioner, the said sale deed has to be cancelled.

4. The very allegation in the affidavit indicates that the Petitioner is tracing title



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right from the year 1924 by way of several documents and by initiation of civil proceedings and the alleged sale deed has been executed in the year 1992 by a third party. Therefore, the third party ascertaining their right independently and executing the document will not amount to forgery at any point of time. In such view of the matter, the Registering Authority has no power to go into all those aspects. It is for the Petitioner to work out his remedy in a proper civil court. Further, I do not find any merits in this Writ Petition and hence, it is liable to be dismissed.

5. In fine, this Writ Petition is dismissed. No costs.

08.07.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation: Yes/No
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To

The District Registrar, Registration Department, Saram, Puducherry 605 013



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N.SATHISH KUMAR, J.

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