



W.P.No.3938 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3938 of 2024

M.Magesh Kumar

... Petitioner

versus

1.The Sub-Registrar,
Pappireddipatti,
Dharmapuri District.

2.V.Sakthi

3.V.Rani

4.V.Sivakumar

5.V.Anuradha

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 02.02.2024 in letter No.88/2024 of the 1st respondent herein and quash the same and consequently direct the first respondent to cancel the agreement dated 12.04.2001 registered as Doc.No.774 of 2001 on the file of the first respondent herein.



W.P.No.3938 of 2024

For Petitioner : Mr.L.Palani Muthu
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for R1

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for the first respondent. Since this writ petition is being disposed of without passing any adverse orders against respondents 2 to 5 affecting their interest, notice to those respondents is dispensed with.

2. This writ petition has been filed to quash the impugned order dated 02.02.2024 in Letter No.88/2024 issued by the first respondent herein and consequently, direct the first respondent to cancel the agreement dated 12.04.2001, registered as Doc.No.774 of 2001 on the file of the first respondent herein.

3. The case of the petitioner is that the property in S.No.179/15, measuring an extent of 320 sq.ft in P.Mallapuram Village, Pappireddipatti Taluk, Dharmapuri District, originally belongs to S.Vishwanathan and V.Sakthi and they agreed to sell the subject property in favour of the

Pg.Nos.2/6



W.P.No.3938 of 2024

petitioner for a sale consideration and executed a registered Sale Agreement in favour of the petitioner and also possession was handed over to the petitioner. Since the sale agreement was being registered in favour of the petitioner, no Sale Deed was registered. Hence, the petitioner filed a suit in O.S.No.6 of 2004, re-numbered as O.S.No.21 of 2008 on the file of the Subordinate Judge, Dharmapuri for specific performance and also for permanent injunction. Whereas, the fifth respondent herein has filed a suit in O.S.No.563 of 2004, re-numbered as O.S.No.47 of 2009 against the petitioner herein and her brothers for partition and permanent injunction. Both the suits were tried together and by common judgment dated 13.07.2011, the learned Subordinate Judge, Harur dismissed the suit filed by the petitioner for specific performance and decreed the suit for partition filed by the fifth respondent. Challenging the same, the petitioner has preferred appeals in A.S.No.10 of 2011 and A.S.No.11 of 2011 on the file of the Principal District Court, Dharmapuri, which came to be dismissed on 16.04.2015. Aggrieved by the same, the petitioner preferred second appeals in S.A.Nos.272 and 278 of 2023 before this Court. Since the petitioner and respondents 2 to 5 herein have entered into a compromise and the matter has



W.P.No.3938 of 2024

been settled out of Court, the second appeals were dismissed as withdrawn on 18.12.2023. Thereafter, the petitioner approached the registering authority/first respondent to cancel the sale agreement 12.04.2001 registered as Doc.No.774 of 2001. However, the first respondent refused to cancel the said document stating that the first respondent/Sub-Registrar has no jurisdiction to cancel the said document and it is the District Registrar or the Competent Court, who has to do the same.

4. Heard both sides and perused the materials available on record.

5. It is seen from the records that the petitioner has not filed any proof to show that he has called for the parties to the sale agreement i.e. the respondents 2 to 5 herein to execute the cancellation of sale agreement, subsequent to the dispute settled out of Court in S.A.Nos.272 and 278 of 2023. Therefore, the petitioner is not entitled to the relief as sought for in this writ petition. If at all the petitioner is aggrieved by the impugned order dated 02.02.2024, he could have issued notice to the respondents 2 to 5 and called them for execution of cancellation of sale agreement, and in case,



W.P.No.3938 of 2024

they are not ready to come for cancellation, he shall request the District Registrar to conduct enquiry and thereafter, the District Registrar can only cancel it. It is open to the petitioner to work out his remedy in the manner known to law.

6. The writ petition is dismissed in-limine, accordingly. There shall be no order as to costs.

20.02.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To
The Sub-Registrar,
Pappireddipatti,
Dharmapuri District.

Pg.Nos.5/6



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W.P.No.3938 of 2024

P.VELMURUGAN, J.
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W.P.No.3938 of 2024

20.02.2024

Pg.Nos.6/6