



WP.No.11082 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

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K.Anbalagan

.. Petitioner

Versus

1. The Collector,
Cuddalore District, Tamilnadu.

2. The Tahsildar,
Vriddhachalam, Cuddalore District, Tamilnadu.

3. The District Registrar,
Vriddhachalam, Cuddalore District, Tamilnadu.

4. R.Gobi

5. R.Poomalai

6. Justin Andhoni

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 3 to cancel the sale deed in document No.719/2016, Vriddhachalam SRO, Cuddalore DT.

For Petitioner : Mr.K.Manikandan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader – R1 to R3



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ORDER

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With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to direct the respondents 1 to 3 to cancel the sale deed in document No.719/2016, Vriddhachalam SRO, Cuddalore District.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

4. The case of the petitioner is that he had actually sold 60 cents of land to the father of the fourth and fifth respondents. However, after the death of their father, the fourth and fifth respondents have sold the property, to a larger extent of 61 cents to the sixth respondent. In this regard, the petitioner has given a representation to the third respondent to cancel the sale deed executed by the fourth and fifth respondents under section 77A of the Registration Act. However, no action has been taken on the representation of the petitioner. Hence, the present Writ Petition.



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5. At the outset, this Court is of the view that whether the actual extent was 60 cents or not, as per the sale executed in favour of the father of the fourth and fifth respondents, is a matter of evidence. Some times, the extent may vary from the document. In some cases, there will be variance between the extent and boundary. In such cases, boundary will prevail over the extent. All these facts can be gone into only by a Civil Court. That apart, the registering authorities have no power to cancel a document, except when it fall within the ambit of 22A and 22B of the Registration Act. In such view of the matter, this Court do not find any merits in this Writ Petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

23.04.2024

vrc

Index :Yes/No
Internet :Yes/No
Neutral Citation : Yes/No

To,

1. The Collector,
Cuddalore District, Tamilnadu.
2. The Tahsildar,
Vriddhachalam, Cuddalore District, Tamilnadu.
3. The District Registrar,
Vriddhachalam, Cuddalore District, Tamilnadu.



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N. SATHISH KUMAR, J.

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