



WEB COPY



WP.No.11927 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

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MA Marappan Lakshmi Ammal Educational Trust,
Rep. By its Secretary,
Mr.Gudiyannan
Kurumberi Village,
Tirupattur Taluk,
Tirupattur District.

.. Petitioner

Versus

1. The Deputy Inspector General of Registration,
Tamil Nadu Registration Department office,
Vellore.
2. The District Registrar – Administration,
Tirupattur,
Tirupattur District.
3. The Sub Registrar,
Office of Sub-Register Department,
Tirupattur,
Vellore District (Now Tirupattur District).

4. N.Arunagiri

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent herein vide Na.Ka.No.2491/AA3/2023 dated 19.06.2023, and the same was confirmed by the 1st respondent order vide letter



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No.5370/Aa1/2023 dated 10.11.2023, and quash the same and consequently issue the direction to cancel the sale deed vide Doc.No.9034/2021 on the file of the 3rd respondent.

For Petitioner : Mr.R.Ramesh

For R1 to 3 : Mr.P.Anandhakumar
Government Advocate

ORDER

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

2. This writ petition has been filed challenging the order of the Deputy Inspector General in letter No.5370/Aa1/2023 dated 10.11.2023 rejecting the claim of the petitioner to cancel the sale deed vide Doc.No.9034/2021 on the file of the 3rd respondent.

3. The petitioner has created a trust on 18.06.2021 for welfare of the poor children education and sold out the trust property to the 4th respondent on 08.09.2021. The 4th respondent has given a cheque dated 30.08.2021 for the sale consideration amount of Rs.14,00,000/-. The said cheque was returned unpaid along with return memo on 25.11.2021. On 27.07.2022, the petitioner



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issued legal notice to the 4th respondent requesting to pay the sale consideration amount. The 4th respondent fraudulently obtained the petitioner's Trust property. Hence, the petitioner has made a representation dated 09.11.2022 to the respondents. The 2nd respondent without conducting proper enquiry, passed an order on 19.06.2023. The petitioner filed an appeal before the 1st respondent on 13.09.2023, which was dismissed by the 1st respondent on 10.11.2023. Hence, the petitioner has come out with the present Writ Petition.

4. Heard learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

5. From the materials on record, it is seen that the petitioner has made an appeal to cancel the document by which he has sold out the trust property to the 4th respondent, on the ground that sale consideration as agreed is not paid to him. The Deputy Inspector General rejected the appeal on the ground that since the document will not fall within the ambit of Sections 22A and 22B of the Registration Act, 1908, there is no provision under the Act to cancel such a document. Challenging the same, the present Writ Petition has been filed. At



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the outset, this Court is of the view that seeking cancellation of a document on the ground of non-payment of consideration, that too by the Registering authority cannot be maintained. Even assuming that sale consideration as agreed is not paid, the right of the petitioner is only to sue for money. He will have an unpaid vendors lien and he has to exercise said right only. The petitioner has to exercise such right only legally.

6. In such view of the matter, I do not find any merits in this case and accordingly, this Writ Petition stands dismissed. No costs.

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gsa

Index : Yes/No

Internet : Yes/No

To,

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