



W.P.No.9057 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 25..06..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.9057 of 2021

1.G.Ramakrishnan

2.R.Manikandan

..... Petitioners

-Versus-

1.The District Registrar (Administration),
Registration Department,
Cuddalore District, Cuddalore.

2.The Sub Registrar,
O/o.The Buvanagiri Sub Registrar,
Buvanagiri, Cuddalore District.

3.A.Veerapandian

4.A.Sundari

5.V.Raja

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to dispose of the 1st petitioner's representation dated 02.03.2020 based on the circular letter No.41530/U1/2017 dated 31.07.2018 issued by the Inspector General of Registration, Chennai, within time limit stipulated by this Court.



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For Petitioner(s) : Mr.R.Subburaj

*For Respondent (s) : Mr.Yogesh Kannadasan,
Special Government Pleader
for R1 & R2*

No appearance for R3 to R5

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the 1st respondent to dispose of the 1st petitioner's representation dated 02.03.2020 based on the circular letter No.41530/U1/2017 dated 31.07.2018 issued by the Inspector General of Registration, Chennai, within the time limit to be stipulated by this court.

2. The case of the petitioners in brief is as follows:-The petitioners 1 and 2 are father and son respectively. The 1st petitioner claims that his grand father-Periyathambi Vandaiyar purchased a piece of natham land measuring 0.03 ½ cents comprised in S.No.76/2A of Azhichikudi village, Buvanagiri Taluk, Cuddalore District. According to the petitioner, his grand father owned and possessed the said land along with his other lands. The said Periyathambi Vandaiyar died leaving behind his only son-Govindaraju as his legal heir. It is the further case of the petitioners that the 1st petitioner, one Panneerselvam and Velmurugan are the sons of the said Govindaraju. The 1st petitioner's father-



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Govindaraju and his two sons Panneerselvam and Velmurugan sold their respective shares in the said land to the 2nd petitioner. At the time of such sale, the 2nd petitioner was a minor. The remaining extent of land of 0.01 ¼ cents out of 0.03 ½ cents was under the possession of the 1st petitioner. Patta vide patta No.346 was issued in the name of Govindaraju, 3rd respondent and his brother Chinnamani for 0.05 cents including 0.03 ½ cents. The revenue authority however clarified that out of 0.05 cents, 0.03 ½ cents stands in the name of the 1st petitioner's grand father. While so, using the joint patta, respondents 3 and 4 executed a sale deed in favour of the 5th respondent without having any right. The said sale deed was registered as Doc.No.1802 of 2019 on the file of the 2nd respondent.

3. Heard both sides and perused the available records carefully.

4. The very averments made in the writ petition would make it clear that there is a dispute over title in respect of the subject property. The petitioners grievance is that Doc.No.1802/2019 registered on the file of the 2nd respondent has to be cancelled as the respondents 3 and 5 executed a sale deed in favour of their son, the 5th respondent in respect of 0.02 ½ cents instead of 0.01 ½ cents over which alone they had title. Thus, it seems there is a dispute over title to the subject land which cannot be gone into by the registering authorities. The



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petitioners try to achieve their object before the registering authorities which they could or ought to achieve only in civil court. Since there is no forgery involved, in the considered opinion of this court, the document registered as Doc.No.1802/2019 on the file of the 2nd respondent cannot be cancelled. It is for the petitioners to establish their rights and title to property in dispute before the appropriate civil court. Thus this court does not find any merit in the writ petition and the same is only liable to be dismissed.

In the result, the writ petition is dismissed however, with the above observations. No costs.

Index : yes / no
Neutral Citation : yes / no
kmk

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To

1.The District Registrar (Administration),
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2.The Sub Registrar,
O/o.The Buvanagiri Sub Registrar,
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