



WEB COPY



W.P.No.21886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21886 of 2024

P.Ayyaswamy

...Petitioner

Vs.

1.The District Registrar
Coimbatore District Registration Department
Coimbatore.

2.The Sub-Registrar
The Sub-Registrar's Office
Gandhipuram
Coimbatore.

3.K.Chinnasamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to pass an appropriate order cancelling the sale deed dated 09.05.2007 registered as Document No.3339 of 2007 on the file of the second respondent and as a sequel, to remove the said entry from the encumbrances certificate by considering the petitioner's representation dated 15.04.2024.



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For Petitioner : Mr.R.Kannan

For Respondents : Mr.B.Vijay for R1 & R2
Additional Government Pleader

ORDER

The petitioner seeks a direction to the first respondent to pass appropriate order cancelling the sale deed dated 09.05.2007 registered as Document No.3339 of 2007 on the file of the second respondent by considering the petitioner's representation dated 15.04.2024.

2. There is no enabling provision in the Registration Act, empowering the second respondent to cancel the sale deed already registered. Therefore, the prayer in the Writ Petition cannot be entertained. The learned counsel for the petitioner further submitted that in view of the observation made by the Civil Court in OS.No.254 of 2005, the sale deed in favour of the third respondent can be cancelled.

3. It is seen from the decree passed in OS.No.254 of 2005 there is no clause in the decree cancelling the sale deed dated 09.05.2007 executed in favour of the third respondent. Further perusal of judgment in O.S.No.254 of 2005 would suggest that Civil Court found that sale deed in favour of third



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respondent was valid to the extent of share of the first defendant in the suit Palanisamy/father of petitioner. Hence, entire sale in favour of third respondent was not held to be invalid. In such circumstances petitioner cannot maintain a prayer for cancellation of entire sale deed.

4. In the absence of specific clause in the decree passed by the Civil Court, prayer for cancellation of registered document sought for by the petitioner cannot be entertained. Therefore, this Writ Petition is dismissed. No costs.

06.08.2024
(2/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



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To

- 1.The District Registrar
Coimbatore District Registration Department
Coimbatore.
- 2.The Sub-Registrar
The Sub-Registrar's Office
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Coimbatore.



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S.SOUNTHAR, J.
dna

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