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W.P.No.23863 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23863 of 2024

T.Subramani

... Petitioner

VS.

1.The Director of Registration Department,
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Virudhachalam District Registration Office,
Virudhachalam
Cuddalore District.

3.The Sub Registrar,
Kammapuram,
Virudhachalam Taluk,
Cuddalore District.

4.G.Harikrishnan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to remove



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the survey no 70/6A1A which is in the petitioner name registered by 4th respondent vide document No 808/2001 Dt 24.08.2001 on the file of sub registered, kammapuram (3rd Respondent), by considering petitioner representation dated 03.07.2024.

For Petitioner : Mr.K.Vijayakumar

For R1 to R3 : Mr.M.Shahjahan
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the 2nd respondent to remove the Survey No.70/6A1 included in the registered Sale Deed executed by 4th respondent and registered as Document No.808/2001, dated 24.08.2001 on the file of Sub Registrar, Kammapuram, by considering the petitioner's representation dated 03.07.2024.

2. According to the petitioner, the land situated in Survey No.70/6A1A in Periyakappankulam Village, Virudhachalam Taluk, Cuddalore District belongs to him and his brother-Ramalingam under a registered Sale Deed dated 22.08.1991 and the petitioner and his brother



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have been in possession and enjoyment of the same right from the date of purchase. Later, it came to the knowledge of the petitioner the 4th respondent executed a Sale Deed dated 24.08.2001 in respect of above mentioned property without having any manner of right. Therefore, a representation had been submitted by the petitioner dated 03.07.2024 to the 2nd respondent seeking deletion of above mentioned survey number in the Sale Deed executed by the 4th respondent and the same has not been considered by the 2nd respondent. Therefore, the petitioner is before this Court.

3. It is the case of the petitioner that 4th respondent without having any manner of right executed a Sale Deed in respect of the property belongs to the petitioner. If the petitioner has any grievance with regard to the Sale Deed executed by the 4th respondent, he has to workout his remedy by filing appropriate civil suit seeking cancellation or rectification of the instrument.

4. In view of the judgment rendered by the Division Bench of this Court in ***M.Kathirvel vs. The Inspector General of Registration*** (W.P.No.10291 of 2022 etc., batch, dated 02.08.2024), the 2nd respondent has no power to entertain a request for cancellation of the registered



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document.

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5. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to workout his remedy before the Civil Court. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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