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W.P.No.25023 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.25023 of 2024

R.Giridharan

... Petitioner

VS.

The State of Tamil Nadu,
Represented by

1. Inspector General of Registration,
100, Santhome High Road
Mandavelipakkam
Raja Annamalai Puram
Chennai 600028
2. The Deputy Inspector General of Registration
100, Santhome High Road,
Mandavelipakkam
Raja Annamalai Puram
Chennai 600028
3. The District Registrar
No 17, Rajaji Street,
Chengalpattu District – 603 001
4. Sub-Registrar, Joint-I



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10, Kancheepuram Main Road,
Chengalpattu District 603 002

... Respondents

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the registration of documents registered before the 4th respondent and quash the same as illegal, incompetent and ultravires and consequently direct the 4th respondent to cancel the registration of deeds viz (1) Sale Deed Number 3724 of 2023 dated 12.12.2023, (2) Exchange Deed Number 9 of 2024 dated 15.12.2023 and (3) Sale Deed number 152 of 2024 dated 24.01.2024 considering the representation made by the petitioner dated 23.02.2024.

For Petitioner : Mr.V.Rajasekar

For Respondents : Mr.P.Harish
Government Advocate

ORDER

The petitioner herein filed this writ petition challenging the registered Sale Deed dated 12.12.2023 executed by Elumalai in favour of E.Kalaiyaran and registered Exchange Deed executed by E.Kalaiyaran in favour of G.Damodaran and registered Sale Deed executed by G.Damodaran in favour of Chinnammal.



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2. According to the petitioner, the subject property originally belonged to one Elumalai and he wanted to purchase the same for real estate business. The petitioner entered into a memorandum of understanding dated 07.12.2023 with one Kalaiyarasan for purchase of property in his name with an understanding he would co-operate for selling the same to prospective purchaser named by petitioner. The petitioner arranged sale consideration to enable E.Kalaiyarasan to purchase the property in his name. Therefore, the original documents were handed over to the petitioner and the same is in his custody. The Sale Deed dated 12.12.2023 executed by Elumalai in faovur of E.Kalaiyarasan was registered by the 4th respondent, even though the executant failed to produce the original title documents before the Registering Authorities.

3. Therefore, it is the contention of the learned counsel appearing for the petitioner that 4th respondent failed to insist production of the original documents at the time of registration of the Sale Deed dated 12.12.2023 and thereby violated the Rule 55-A of the rules framed under Registration Act, 1908. In view of the same, the learned counsel further submitted that subsequent Exchange Deed executed by E.Kalaiyarasan in favour of



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G.Damodaran and Sale Deed executed by G.Damodaran in faovur of Chinnammal were also got vitiated.

4. The narration of the events found in the affidavit make it clear that the petitioner is not a person having any interest in the subject property. It is the specific case of the petitioner that he arranged amount to enable the purchaser-E.Kalaiyaran to pay sale consideration to the original owner-Elumalai. In these circumstances, the ground raised by the petitioner for challenging the Sale Deed is not legally tenable. Whether the amount was paid by the petitioner or it was paid by the purchaser-E.Kalaiyaran himself is a disputed question of fact, which cannot be gone into by this Court while exercising jurisdiction under Article 226 of the Constitution of India. If it is the case of the petitioner that memorandum of understanding dated 07.12.2023 was violated, it is for him to workout his remedy before the Civil Court. Therefore, this Court is not inclined to accept the submission made by the learned counsel for the petitioner.

5. Accordingly, the Writ Petition stands dismissed. However, liberty



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is granted to the petitioner to workout his remedy before the regular Civil

Court. No costs.

29.08.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

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S.SOUNTHAR, J.

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