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W.P.No.3438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.3438 of 2023

R.K.Ganesan

... Petitioner

Vs

1. The Deputy Inspector General of Registration,
District Registrar Office, Cuddalore.
2. The District Registrar,
District Registrar Office, Thindivanam.
3. The Sub Registrar, Vanur,
No.2/97A, Mayilam Pandi Road, Vanur – 605 109.
4. K.Venkatesan
5. S.Kamakshi
6. K.Suresh Babu

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No.1374/U/2022 dated 30.09.2022 and quash the same as illegal and consequently direct the third respondent to cancel the sale deed dated 15.10.2018 vide Doc.No.4855 of 2018 and take necessary action.

For Petitioner : Mr.E.Kannadan



W.P.No.3438 of 2023

WEB COPY

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader – R1 to R3
Mr.V.G.Anbarasu – R4

ORDER

This Writ Petition has been filed to quash the impugned Order in Na.Ka.No.1374/U/2022 dated 30.09.2022 as illegal and consequently direct the third respondent to cancel the sale deed dated 15.10.2018 vide Doc.No.4855 of 2018 and take necessary action.

2. The case of the petitioner is that fourth and fifth respondents entered in an agreement of sale with the petitioner on precondition that the petitioner had to execute a sale deed in respect of A schedule property in favour of the fourth respondent and the petitioner also executed a registered sale deed in favour of the fourth respondent. However, the fourth and sixth respondent have not only fulfilled their obligations as per the agreement of sale but also created mortgages prior and after the agreement of sale entered with the petitioner. When the petitioner came



W.P.No.3438 of 2023

to know the dishonest intention of the respondents, he preferred a complaint before CCB – 1, Chennai and the investigation is pending. Hence, the petitioner filed the present Writ Petition to direct the third respondent to cancel the sale deed dated 15.10.2018 executed by the petitioner in favour of the fourth respondent.

3. I have perused entire materials. The petitioner has sought for cancellation of the sale deed executed by the petitioner in favour of the fourth respondent. Considering the same, the authorities have passed a detailed Order stating that the disputed facts cannot be gone into by the Registration Department and relegated the parties to the Civil Court. When the registration authorities have no power to cancel the document, merely on the basis of the allegations of fraud or fraudulent transaction, as a matter of right one cannot seek cancellation of the document. Hence, I do not find any merits in this Writ Petition.

4. Accordingly, this Writ Petition is dismissed of. No costs.



WEB COPY



W.P.No.3438 of 2023

16.04.2024

Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Inspector General of Registration,
O/o.the Inspector General of Registration,
Santhome High Road, Chennai – 600 004.
2. The District Registrar [Administration],
O/o.District Registrar Office, Kancheepuram District.
3. The Joint Registrar,
Kancheepuram, Kancheepuram District.
4. The Sub Registrar,
Kancheepuram II, Sub Registrar Office,
Kancheepuram District.



WEB COPY



W.P.No.3438 of 2023

N.SATHISH KUMAR, J.

VTC

WP.No.3438 of 2023

16.04.2024