



W.P.No.34467 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.34467 of 2024

M.Radhakrishnan

... Petitioner

Vs.

1. The Branch Manager,
The State Bank of India,
Kaveripattinam Branch,
Krishnagiri District – 635 112.

2. M.S.Maharajan.

3. Manibharathi.

4. The Sub Registrar,
Barur Sub Registrar Office,
Barur Post, Poochampalli Taluk,
Krishnagiri District – 636 210.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 4th Respondent to cancel the document no.568 of 2009 dated 25.05.2009 or to release the properties in S.No.557/3 and 558/12 to an total extent of 3 Acres 6 cents situated at Dhamodharahalli Village, Pochampalli Taluk, Krishnagiri District mentioned in the Document No.568 of 2009 based on the petitioner representation dated 29.07.2024.



W.P.No.34467 of 2024

For Petitioner : Mr.M.Vignesh

For Respondents : Mr.M.Shahjahan

Special Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus to direct the 4th Respondent to cancel the document no.568 of 2009 dated 25.05.2009 or to release the properties in S.No.557/3 and 558/12 to an total extent of 3 Acres 6 cents situated at Dhamodharahalli Village, Pochampalli Taluk, Krishnagiri District mentioned in the Document No.568 of 2009 based on the petitioner representation dated 29.07.2024.

2. It is the case of the Petitioner that his father had purchased an extent of 59 cents in S.No.558 and an extent of 3 acres and 6 cents in S.No.557/3 and 558/12 situated at Dhamodharahalli Village, Pochampalli Taluk, Krishnagiri District under a registered Sale Deed dated 22.01.1986, 08.11.1984 and 01.09.1986, all of which are registered on the file of the SRO Pochampalli, Taluk. The Petitioner's father had settled the properties in favour of the Petitioner and his brothers vide registered Settlement Deed dated 20.05.2020. The Petitioner and his brothers had obtained Patta from the authorities and since then they were in possession and enjoyment of the said



W.P.No.34467 of 2024

properties. It later came to the knowledge of the Petitioner that the properties were mortgaged by third parties who had no right over the properties in favour of the 1st Respondent. The Petitioner therefore made a representation to the Respondent Bank to cancel the document bearing No.568 of 2009 dated 25.05.2009 and to release the property. There has been no response and therefore, the Petitioner has filed this Writ Petition.

3. Heard the learned counsel on either side.

4. Considering the fact that the third parties have asserted right over the property remedy available to the Petitioner is only is to file a suit and establish his title to the property. Without doing so, the Petitioner has approached the Writ Court where it is not possible to record evidence as done in a Civil Court. Further the 4th respondent does not have the authority to cancel registered document as held by a Division Bench of this court in the case of Kathirvel vs. The Inspector General of Registration 2024 (4) CTC 769. Therefore, this Writ Petition is dismissed.

25.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm



W.P.No.34467 of 2024

WEB COPY

To

1. The Branch Manager,
The State Bank of India,
Kaveripattinam Branch,
Krishnagiri District – 635 112.
2. The Sub Registrar,
Barur Sub Registrar Office,
Barur Post, Poochampalli Taluk,
Krishnagiri District – 636 210



WEB COPY



W.P.No.34467 of 2024

P.T.ASHA, J.

rgm

W.P.No. 34467 of 2024

25.11.2024