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W.P.No.31132 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24..04..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.31132 of 2023

and

W.M.P.Nos.30764 of 2023

M.Palanisamy

..... Petitioner

-Versus-

- 1.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Pandhayasalai, Coimbatore.
- 2.The District Registrar (Administration),
(Asssistant Inspector General of Registration),
Office of the District Registrar, Coimbatore.
- 3.The Sub Registrar,
Gandhipuram, Office of the Sub Registrar Gandhipuram,
Coimbatore.
- 4.Varadharajan
- 5.Vijayakumar
- 6.C.Selvaraj
- 7.M/s.Mecers Euro India Exports Pvt. Ltd.,
Rep. by Ramakandh Padiya,
S/oNarayanan Lal,
No.36, 4th Street, K.P.N.Colony,
Thiruppur Town, Thiruppur Taluk,



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Coimbatore District.

8.Kannammal

9.Mrs.Lakshmi

10.Mrs.Arukani

11.Ganesan

12.Mrs.Mallika

13.Mrs.Saraswathi

14.K.K.Chandragandhi

15.Mrs.Bhakiyam

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a *Writ of Certiorarified Mandamus* calling for the records of the 1st respondent dated 11.09.2023 in Na.Ka.No.3800/E2/2022 and to quash the same and for a consequential direction to the 1st respondent to allow the Appeal dated 22.08.2022 filed by the petitioner before the 1st respondent.

For Petitioner : *Mr.N.A.Nassir Hussain*

For Respondent (s) : *Mr.L.S.M.Hasan Fizal,*
Additional Government Pleader
for RR1 to 3

Ms.M.Adhishree for R7

Mr.R.Shivakumar for
M/s.K.M.Vijayan Associates for
R14



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For Petitioner : Mr.N.A.Nassir Hussain

*No appearance for RR4 to 6 and
8 to 13*

ORDER

This writ petition has been filed challenging the order of the 1st respondent dated 11.09.2023 in Na.Ka.No.3800/E2/2022 confirming the order dated 15.06.2022 passed by the 2nd respondent whereby the request of the petitioner to cancel the fraudulent sale deeds registered as Doc.Nos.2160 of 2022, 5960 of 2004, 1514 of 2006 and 1515 of 2006 in respect of the subject property was rejected and he was relegated to approach the civil court.

2. The brief facts leading to the filing of the present writ petition are as follows:-

(i) The lands comprised in S.Nos.709/2A and 3A of Kalapatti village measuring 6.14 Acres was originally assigned by the Government in favour of one Kitta Madari and Chinnasamy Madri. They in turn sold the same to one Karuppasamy through a registered sale deed dated 19.07.1967. However, the conditional assignment was subsequently revoked by the Additional Collector and ordered issuance of ayan patta to Karuppasamy vide his proceedings dated 25.09.1978 and pursuant to the same, ayan patta was issued in the name of the petitioner by the Tahsildar vide his proceedings dated 24.10.1978. Thus,



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Karuppasamy became the absolute owner of entire extent mentioned above. He

thereafter sold 1.10 Acres out of 6.14 Acres of land to (1) Kumarasamy Gounder, (2) Sundarambal and jointly to Pappannan, Chinnappan & Selvaraj.

(ii) On 19.06.1987, the petitioner entered into a registered sale agreement with Karuppasamy for the purchase of the remaining extent of 5.04 Acres out of 6.14 Acres of land.

(iii) As Karuppasamy had not come forward to execute the sale deed, the petitioner filed a suit in O.S.No.615 of 1998 on the file of the II Additional Sub Judge, Coimbatore, for specific performance.

(iv) As the Government vide its proceedings dated 25.11.1991 had cancelled the ayan patta, cancellation of ayan patta was put to challenge in W.A.No.1214 of 1997 by Karuppasamy and this court by judgement dated 02.12.1997 allowed the writ appeal and restored the name of Karuppasamy in the revenue records.

(v) However, even after the decree, Karuppasamy did not come forward to execute the sale deed. Therefore, the petitioner filed an execution petition in E.P.No.155 of 1999 on the file of the II Additional Subordinate Judge, Coimbatore, to get executed the sale deed and the same was pending. Aggrieved by the judgement and decree of the trial court, Karuppasamy filed an

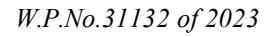
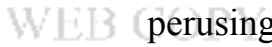


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appeal suit in A.S.No.155 of 2000. The said suit came to be decreed on 05.02.1999 and the judgement and decree passed by the trial court was confirmed by a Division Bench of this Court in A.S.No.155 of 2000 by judgement and decree dated 25.11.2004.

(iv) While so, the Government by G.O.MS.No.281, Revenue Department, dated 1.06.2024 ordered resumption of land on the ground that Karuppasamy had violated the conditions of assignment. The petitioner challenged the resumption order by way of writ petition in W.P.No.32273 of 2004 and this court was pleased to hear the same along with W.P.No.9139 of 2023 filed by the depressed class people and was disposed of by a common order on 22.04.2010. This court held that ayan patta had been granted to the vendor of the petitioner and therefore, order of resumption dated 10.06.2004 was untenable and further held that the petitioner is entitled to apply for issuance of patta after execution of the sale deed in his favour by Karuppasamy.

(v) Pending execution petition, not only the vendor but also the legal heirs of the vendor of the petitioner filed obstruction petition, however, the same were dismissed by the executing court and the execution petition filed by the petitioner was ordered and sale was executed by the court on 14.02.2012 in favour of the petitioner (decree-holder).



6. The registering authority is not vested with the power to go into the title of a property covered under the document presented for registration. This court is of the view that cancellation of a document by a registering authority is not permissible under law except exceptions provided under Sections 22-A &



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22-B of the Registration Act.

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7. In such view of the matter, this court is of the view that the order passed by the 2nd respondent and as confirmed by the 1st respondent which relegated the parties to civil court does not require any interference at the hands of this court.

8. When it is not in dispute that the sale transactions among the private respondents took place during the pendency of the suit which had been subsequently ended in favour of the petitioner and decree and judgement had become final, no doubt, such sale transactions *are hit by doctrine of lis pendens* and such transactions would also amount to fraudulent transactions and the same have to be avoided as per law in civil court.

This writ petition is disposed of accordingly with the above observations.

No costs. Consequently, connected WMP is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

24..04..2024

To

1. The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,



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Pandhayasalai, Coimbatore.

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(Asssistant Inspector General of Registration),
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Gandhipuram, Office of the Sub Registrar Gandhipuram,
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N.SATHISH KUMAR.J.,

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