



WEB COPY



W.P.No.35624 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.35624 of 2024
and W.M.P. Nos 38482 and 38486 of 2024

R.Jayachandran

...Petitioners

Vs.

1 The Inspector General,
Registration Office- Head quarters,
Santhome Road,
Chennai-600028

2 The District Registrar,
Salem District-Salem- 636001

3 The Sub-Registrar,
Sivadapuram-Joint III- Salem West,
Salem District- 636001

4 Gopalakrishnan

5 Muthukrishnan

6 Anbalagan

...Respondents

Prayer: Writ Petition is filed under Article 226 of the constitution of India praying to issue a Writ of Mandamus to consider the petitioner representation dated 22.10.2024 by directing the respondent 1 to 3 to



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Cancel and stop the further registration in Doc.No.1530/2024 and Doc.No.1531/2024 dated 03.06.2024 , registered at the 1st respondent office in favour of R4 to R6.

For Petitioners : Mr.A.L.Rajah,Senior Counsel
for Mr.C.Kanagaraju
For Respondent : Mr.P.Harish
1 to 3 Government Advocate

ORDER

This Writ Petition is filed for a mandamus to issue a direction to the respondents 1 to 3 to cancel the further registration in Doc.No.1530/2024 and Doc.No.1531/2024 dated 03.06.2024, registered at the office of the 1st respondent in favour of respondents 4 to 6

2. It is the contention of the petitioner in his affidavit filed in support of this writ petition that his father, an agriculturist, had owned an extent of 1 acre and 24 cents in S.No. 2/1 in Pallampatti Village, Suramangalam Main Road, Lee Bazaar in Salem. Apart from this, the



petitioner's father had also owned other properties in Salem, Namakkal, and Chengalpattu District. His properties include both ancestral and self-acquired properties. On 25.09.2006, the petitioner's father had passed away, leaving behind the petitioner and his mother, C.R. Hithochana, as legal heirs. The said Hithochana had also passed away on 22.04.2016, leaving behind the petitioner as her sole legal heir for all the family assets.

3. The petitioner would submit that he had studied only up to 10th standard and had thereafter started taking care of the family business. Due to a sudden financial necessity, he had decided to sell the petition property. The petitioner would submit that respondents 4 to 6 came forward to purchase the property and an unregistered sale agreement dated 05.01.2023 was entered into between the petitioner and respondents 4 to 6. Total sale consideration was fixed at Rs. 4,26,00,000/-



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4. The petitioner would submit that the sum of Rs. 4,26,00,000/- is an inadvertent mistake, as the property is situated in a commercial area where it would fetch a sum of Rs.30,00,00,000. An advance of Rs.25,00,000/- was paid by respondents 4 to 6, and the remaining amount of Rs.25,00,00,000 was to be paid within one month's time and thereafter, the agreement had to be registered. As per the Sale Agreement, respondents 4 to 6 had agreed to pay the balance sum of Rs.25,74,00,000/- at the time of registration. At the time of registration, the respondents had issued several cheques in names of respondents 1 to 3 on various dates.

5. The petitioner would submit that at the time of registration, he was totally unaware that respondents 4 to 6 intended to cheat him. To cut a long story short, it is the contention of the petitioner that the cheques issued had bounced. Therefore, the petitioner had sent a representation to respondents 1 to 3, requesting them not to permit further alienations by the respondents 4 to 6. Since the respondents had not considered the representation, the petitioner is before this Court.



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6. Heard the learned counsels on either side.

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7. As regards the relief of cancellation, the same cannot be granted in the light of the judgment of the Division Bench of this Court in ***M.Kathirvel and Others Vs. Inspector General of Registration (2024 (4) CTC 769)***. However, considering the fact that the cheques issued as consideration have been dishonoured and that the sale deed is not supported by consideration, the respondents shall conduct an enquiry based on the petitioner's representation, after issuing a notice to all the parties, affording them an opportunity of personal hearing and pass a speaking order regarding the authenticity of the Sale Deed. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order. Accordingly, the Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10.12.2024

Index : Yes/No

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Internet : Yes/No
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P.T. ASHA, J,

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