



W.P.(MD)No.33 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.33 of 2023
and W.M.P.(MD)No.51 of 2023

A.Habeeb Rahman

... Petitioner

Vs.

1.The District Registrar (Administration),
Dindigul District.

2.M.Sahayam

3.M.John Arockia Mani

4.M.Gerald Velankanni

5.M.Johnson

6.M.Singarayar @ Rayar

7.M.Xavier

8.M.Vijayarani @ Vijaya

9.M.Raja

10.S.Sahaya Rani

11.M.Mary

1/6



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12.X.Arunmozhi

13.R.Muthukrishnan

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the Impugned Order vide Na.Ka.No. 4524/Aa3/2021 dated 17.10.2022 on the file of the 1st respondent and quash the same and consequently to cancel the fraudulent Sale Deed No.2028/2012 dated 11.10.2012, Power of Attorney Deed No.219/2012 dated 07.11.2012, Sale Agreements Deed No. 550, 551, 552/2014 dated 20.03.2014 on the file of the Sub Registrar, Kodaikanal in respect of the properties in Ward D, Block 20, TS 3 in Srinivasapuram, Kodaikanal within stipulated time.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondents : Mr.P.Subbaraj,
Spl. Govt. Pleader for R1
Mr.R.Anand for R13
Mr.K.Arunraj for R2 to R6, R8 to R10, R12
No Appearance for R7 & R11

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the



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Impugned Order vide Na.Ka.No.4524/Aa3/2021 dated 17.10.2022 on the file of the 1st respondent and quash the same and consequently to cancel the fraudulent Sale Deed No.2028/2012 dated 11.10.2012, Power of Attorney Deed No.219/2012 dated 07.11.2012, Sale Agreements Deed Nos.550, 551, 552/2014 dated 20.03.2014 on the file of the Sub Registrar, Kodaikanal in respect of the properties in Ward D, Block 20, TS 3 in Srinivasapuram, Kodaikanal within stipulated time.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent, the learned counsel appearing for the respondent No.13 and the learned counsel appearing for respondents 2 to 6 and perused the materials available on record.

3. It is the case of the writ petitioner that the subject property originally belongs to one Thangammal and since she had no issues, she and her husband adopted one Manoharan as their son. The said Thangammal executed a Will in favour of her adopted son Manoharan. The said Manoharan sold some lands to one Mary Josephine, she in turn sold the same to one Rahumathulla. The petitioner along with one Aboo Bakker purchased the property from the said Rahumathulla. Subsequently, the said Aboo Bakker sold his share to one Imam



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Hussain. Presently the said property is jointly owned by the petitioner and the said Iamam Hussain. The said Manoharan sold some property to one Mohamed Goya, through a registered sale deed and the wife of said Manoharan has signed as witness. Since the said property is situated adjacent to the petitioner's property, the petitioner and his co-owner purchased the said property from the said Mohamed Goya. After the demise of said Manoharan, his legal heirs, though very well aware of the transactions of the said Manoharan, claiming right over the properties of their father. On 11.10.2012, the children of the said Manoharan viz., respondents 2 to 9 sold the property to 13th respondent herein, who is a real estate broker. Therefore, the petitioner submitted a petition before the 1st respondent for cancelling the fraudulent documents executed by the respondents 2 to 13. However, the first respondent without considering the facts properly, has erroneously passed the impugned order relegating the parties to the civil Court. Challenging the same, the petitioner has filed this Writ Petition.

4. The respondents have not filed their counter affidavit.

5. On a perusal of the impugned order, it is seen that the since there is a title dispute, the first respondent has relegated the parties to the civil Court. This



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Court does not see any infirmity in the said order and therefore, there is no merit in this Writ Petition and the same is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.08.2024

NCC : Yes/No
Index : Yes/No

vsm

To

The District Registrar (Administration),
Dindigul District.



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