



W.P.(MD)No.549 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.549 of 2024

P.Gokila

... Petitioner

Vs

1.The District Registrar,
Trichy, Trichy District.

2.The Sub Registrar,
Lalgudi, Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein, to cancel the sale deed in document No.5416/2022 dated 10.10.2022, which was registered by the second respondent with regard to survey No.58/4B situated at Manakkal Village, Lalgudi Taluk, Trichy District and by considering the representation, dated 18.10.2023.

For Petitioner
For R1 & R2

: Mr.C.Suresh Kannan
: Mr.D.S.Neduchezhian
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent herein, to cancel the sale deed in document No.5416/2022



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dated 10.10.2022, which was registered by the second respondent with regard to survey No.58/4B situated at Manakkal Village, Lalgudi Taluk, Trichy District by considering the representation, dated 18.10.2023.

2. By consent, this writ petition is disposed of at the admission itself.

3. Heard Mr.C.Suresh Kannan, learned counsel appearing for the petitioner and Mr.D.S.Neduchezhian, learned Government Advocate appearing for the respondents 1 & 2.

4. According to the petitioner, the property in survey No.58/4A and survey No.58/4B total extent 00250 situated at Manakkal Village, Lalgudi Taluk, Trichy District was belongs to Rahamad Beebe ammal and Kori. On 19.07.1955 the said Rahamad Beebe Ammal and Kori had sold the above said property to one V.S.Renganatha Iyer and also the sale deed was registered before the Sub-Registrar, Office at Lalgudi in Doc.No.1312/1955. Thereafter, the said Renganatha Iyer has enjoyed the same without any hindrance. On 24.02.1960 the said V.S.Renganatha Iyer also sold the above said property to one Sagunthala and as such the sale deed was registered before the Lalgudi Sub-Registrar Office in Doc.No.304/1960. On 14.06.1979 the above said



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property was purchased by one Kathar Batcha from Sagunthala. After purchasing the said property, the said Kathar Batcha died intestate on 21.10.2000 leaving behind his legal heirs. On 11.08.2016 the petitioner had purchased the property in Survey No.58/4A & 58/4B from the legal heirs of the Kathar Batcha namely K.Harijohn, K.Jahir Hussian Hakkim, Noorjahan and E.Sardharj.

5. According to the petitioner, the petitioner had made an application before the District Revenue Officer, Lalgudi seeking Patta. The said application was forwarded to the Tahsildar, lalgudi for conducting enquiry with regard to survey No.58/4B and submit a report. When the above said proceedings are pending, on 10.10.2022 one Meharunisha has executed a release deed in favour of her daughter namely Rafiyathul Basiriya based on patta No.251. The petitioner has submitted an application before the Tahsildar, Lalgudi seeking to cancel the patta No.251. On 23.02.2022 the Revenue Inspector, Lalgudi had submitted a report before the Tahsildar, Lalgudi and also recommended that the patta can be changed in his name. After knowing the above said proceedings, the Meharunisha have executed a release deed in favour of her daughter namely Rafiyathul Basiriya. Thereafter, on 18.10.2023, the petitioner has made an application before the respondents to conduct an enquiry with regard to document No.5416/2022, dated 10.10.2022 and cancel



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the same. Even after receiving the application, the respondents did not come forward to conduct an enquiry and cancel the above said document. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

6. The learned Government Advocate appearing for the respondents would submit that the petitioner has not impleaded the other parties as respondents. He would further submit that the respondents have no power to cancel the deed and it is for the petitioner to work the remedy before the appropriate forum.

7. The respondents cannot decide the title of any person. Hence, the petitioner is directed to work out his remedy before the competent Civil Court to establish the title and for cancellation of the subsequent sale deed, which is alleged to have been executed without any right.

8. Accordingly, this writ petition is dismissed. No costs.

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Index : Yes/No
Internet: Yes/No
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To

- 1.The District Registrar,
Trichy, Trichy District.
- 2.The Sub Registrar,
Lalgudi, Trichy District.



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V.BHAVANI SUBBAROYAN, J.

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