WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 09/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.13692 of 2022

Sagayamari ... Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600028..

2. The District Registrar (Registration),
Sivagangai District,
Karaikudi..

3. Elizebeth,
W/o. Late. Alphonse, D.No.338,
Melakudiyiruppu Village, Nemam,
Kundrakudi Post, Thirupathur Taluk,
Sivagangai District..

4. Arockia Samy,
S/o.Late. Alphonse, Weeguan Construction Pvt. Ltd.,
31, Mandai Estate,
Innovation Place, Singapore - 729 933..

https://www.mhc.tn.gov.in/judis

WEB COPY

5. Thersammal Shanthi,,
W/o. Arokia Samy, Avudaipoigai, T.
Soorakudi, Karaikudi Taluk,
Sivagangai District..

6. Sahaya Elilarasi,,
W/o.John, Maviduthikottai,
Ramanathapuram District..

7. Arokia Ernest,
W/o.Jesuraj, Matha Kovil Street,
Kallupatti, Karaikudi Taluk,
Sivagangai District..

8. Saleem Mohammed,,
S/o. Mohammed Hanifa, D.No.10,
Subramaniapuram, 6th Extension,
Karaikudi, Karaikudi Taluk,
Sivagangai District.. ... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, to call for the records in respect of 2nd respondent proceedings in Na.Ka.No.955/AA1/2022 dated 22.04.2022 and quash the same and consequently direct the 2nd respondent to conduct fresh enquiry and pass order to cancel the Document No.1471 of 2013 and Document No.3267 of 2015 regarding the petitioners Property in S.No.64/1 situated at Nemam Malakudiyiruppu Village, Nemam, Thirupathur Taluk, Sivagangai District.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner : M/s. Srinivasan.A,

For Respondents : Mr.P.Subbaraj
Special Government Pleader
Mr.R.Sundar Srinivasan for R3 &R7
Mr.P.Saravanakumar for R5 & R6

ORDER

Challenge has been made to the impugned order dated 22.04.2022 of the 2nd respondent and for a direction to the 2nd respondent to conduct fresh enquiry and pass order to cancel the Document No.1471 of 2013 and Document No.3267 of 2015 regarding the petitioner's Property in S.No.64/1 situated at Nemam Malakudiyiruppu Village, Nemam, Thirupathur Taluk, Sivagangai District.

2. It is the case of the petitioner that the petitioner is the owner of the property. The suit filed by the third respondent and his mother in O.S.No.223/1995 was dismissed by the trial Court and second appeal filed in S.A.No.2003/2020 was also allowed and review petition is also dismissed. Therefore, according to him, the petitioner is the absolute owner. Therefore, he has given a complaint to cancel the document executed by the third respondent in favour of the 8th respondent and

https://www.mhc.tn.gov.in/judis

WEB COPY

subsequent deed dated 27.11.2015 executed by the 8th respondent in favour of the third respondent. However, the impugned order has been passed as if no power is vested with the department. According to the writ petitioner, since decree itself is in his favour, the subsequent document executed in favour of the respondents 3 and 8 cannot be valid in the eye of law. Hence, the same ought to have been cancelled.

3. If really the decree and judgment as stated by the petitioner is in his favour, the sale will not bind the petitioner. Therefore, if the petitioner registered the decree before the concerned Sub Registrar, that will take care of it. If the document is annulled or the the suit is decreed, any subsequent sale will not confine ownership. Let the petitioner produce the document for registration. On such production, the document should be registered.

4. With the above direction, the writ petition is disposed of. No costs.

09.08.2024

RR

4/6

https://www.mhc.tn.gov.in/judis

WEB COPY

TO

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600028..

2. The District Registrar (Registration),
Sivagangai District, Karaikudi..

https://www.mhc.tn.gov.in/judis

WEB COPY

N.SATHISH KUMAR,J

RR

ORDER
IN
WP(MD) No.13692 of 2022

Date : 09/08/2024

https://www.mhc.tn.gov.in/judis