



W.P(MD)Nos.21716 to 21723 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)Nos.21716 to 21723 of 2022

and

W.M.P.(MD)Nos.15870 to 15877 of 2022

W.P.(MD)No.21716 of 2022

M.Syed Mashood Dhivan Ali

... Petitioner

Vs.

1.The District Registrar (Admin),
Madurai, Combined Registrar Office Campus,
Othakadai, Madurai.

2.The Sub Registrar,
Othakadai Sub Registrar Office,
Othakadai, Madurai.

3.Nagoorselvan

... 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 relating to the impugned order passed by the 1st respondent in Na.Ka.No.4109/R2/A3/AA2/2021, dated 10.08.2022 and quash the same and further, to direct the 2nd respondent to register the pending document P/Othakadai/109/2021.



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For Petitioner : Mr.T.Selvan
For R1 & R2 : Mr.P.Subbaraj,
Special Government Pleader
For R3 : Mr.V.Muthukamatchi

COMMON ORDER

Challenge has been made to the order passed by the 1st respondent dated 10.08.2022.

2.It is the case of the petitioner that the petitioner has purchased the property along with one Mohammed Asim on 18.06.2021 from one Shanmugasundaram. When the same was presented for registration, the 2nd respondent has kept the document pending. In such circumstances, the 3rd respondents have given a complaint before the 2nd respondent, alleging that they are the owners of the property and the sale deed executed in favour of the petitioner is a fraudulent one and the same is also pending. Since they are the *bona fide* purchasers, to avoid unnecessary litigations, the petitioner decided to cancel the sale deed dated 18.06.2021 along with his vendor, namely, Shanmugasundaram. Therefore, cancellation deed was presented before the 2nd respondent. However, the same is refused by the 2nd respondent, stating that



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enquiry is pending before the 1st respondent. In such circumstances, the 1st respondent, vide order dated 10.08.2022, stated that the said sale deed is a fraudulent one and directed the 2nd respondent to take steps to initiate criminal proceedings against them. Therefore, challenging the same, the petitioner has filed these Writ Petitions.

3. Admittedly, the 3rd respondent in these Writ Petitions are the owners of the property and they have no issue in registering the cancellation deed to make the title as perfect. When the parties themselves realized their mistakes and having found that there is no valid title, decided to cancel the document and presented the cancellation deed, the registering authority ought to have registered the same, so that the original owner will get perfect title.

4. In such view of the matter, the impugned order passed by the 1st respondent dated 10.08.2022 stands quashed and the cancellation deed presented by the vendor of the petitioner, namely, Shanmugasundaram and the purchaser / petitioner is directed to be registered, so that it will make a valid title in favour of the 3rd respondents.



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5. With the above directions, these Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

1. The District Registrar (Admin),
Madurai, Combined Registrar Office Campus,
Othakadai, Madurai.

2. The Sub Registrar,
Othakadai Sub Registrar Office,
Othakadai, Madurai.



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N.SATHISH KUMAR, J

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