



W.P.(MD)No.20773 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20773 of 2024
and WMP(MD) No.17594 of 2024

T. Balasubramani

... Petitioner

Vs

The Joint Sub Registrar No.3,
Office of the Joint Sub Registrar No.3,
Town Hall,
Tiruchirapalli – 620 002.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in RFL/3 No Joint Sub Registrar Trichy/89/2024, dated 26.07.2024 on the file of the respondent herein and quash the same and consequently directing the respondent to register the cancellation document, dated 15.07.2024 filed on 26.07.2024 in Temporary Number in TP/189224358/2024.

For Petitioner

: Mr. V.Ilanchezian

For respondents

: Mr.P.Subbaraj

Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the impugned proceedings in RFL/3 No Joint Sub Registrar Trichy/89/2024, dated 26.07.2024 on the file of the respondent and consequently to direct the respondent to register the cancellation document, dated 15.07.2024 filed on 26.07.2024 in Temporary Number in TP/189224358/2024.

2.Heard Mr.V.Ilanchezian, learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondent. Perused the materials available on record.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the nature of relief, counter is not required in this writ petition.

4. It is the case of the petitioner that when the petitioner presented the cancellation deed, dated 15.07.2024 to cancel the sale deed, dated 31.01.2010 executed in favour of one Mohanambal by the petitioner, the impugned order came



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to be passed, based on the fact that there was difference in survey numbers in the document.

5.It is the contention of the petitioner that he has purchased the subject property from one Pushpavalli on 23.07.2009, through her power agent one Maheshwaran. Thereafter, the petitioner has sold the property to one Mohanambal on 31.01.2010. Now, the petitioner came to know that prior to the purchase of subject property by the petitioner, Pushpavalli had sold the subject property to third parties through her power agent Maheshwaran. Only thereafter, the petitioner has purchased the said property, in turn, sold the same to Mohanambal. Therefore, he explained the same to said Mohanambal and decided to cancel the sale deed, dated 31.01.2010. When the same was presented by both the petitioner and the Mohanambal, the impugned order came to be passed.

6.As both the seller and the purchaser joined together for cancelling the sale deed, there is no bar for registering the same. However, the same was refused citing different reasons that the survey number is different in the sale deed executed by Pushpavalli in favour of one Bhuvanesh. It is relevant to note that the sale deed presented for cancellation is the one, which was executed between the



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petitioner and Mohanambal, not the sale deed executed between the Pushpavalli and Bhuvanesh.

7.In view of the above discussion, this writ petition stands allowed and the impugned order in RFL/3 No Joint Sub Registrar Trichy/89/2024, dated 26.07.2024 is hereby set aside and the respondent is directed to register the same within a period of one week, from the date of receipt of copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.09.2024

NCC : Yes/No

Index : Yes/No

PNM

To

The Joint Sub Registrar No.3,
Office of the Joint Sub Registrar No.3,
Town Hall,
Tiruchirapalli – 620 002.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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