



W.P.(MD)No.15042 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15042 of 2018

S.R.Muthusamy

... Petitioner

Vs

1. The Sub-Registrar,
Nagalnaickenpatty Sub Registration Office, Dindigul..

2. Jayapalraj Alias Jayapal Soundiraraj

3. Savarimuthu

4. Novaeasu Adiyaan

5. David Gnanasekar

6. Gopinath Aaron Alias Aron

7. Jefry Aanand

8. Britto Singh Alias Savarimuthu Britto Singh

9. Francis Mary

10. Jeneetha Mary

... Respondents



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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 impugned order of the 1st Respondent in No. 35/2018 dated 21.5.2018 and to quash the same and consequently directing the 1st Respondent to delete the Petitioners property situated in New Survey No. 1003/1B measuring an extent of 1.80 Acres in the Schedule of the Four registered documents viz., (1) Doc.No. 169/2009, (2) Doc. 951/2009, (3) Doc. No. 203/2009 and (4) Doc. No. 1155/2009 on the file of the 1st Respondent.

For Petitioner : Mr.K.K.Senthilvelan

For Respondents : Mr.P.Subburaj (R1)
Special Government Pleader

No Appearance (R2,3,5 to 8)

Mr.G.Karuppasamy Pandian (R9-10)

R4- Died

ORDER

This Writ Petition has been filed challenging the impugned order of the 1st Respondent in No. 35/2018 dated 21.5.2018 and to quash the same and consequently directing the 1st Respondent to delete the Petitioner's property situated in New Survey No. 1003/1B measuring an extent of 1.80 Acres in the Schedule of the Four registered documents viz., (1) Doc.No. 169/2009, (2) Doc. 951/2009, (3) Doc. No. 203/2009 and (4) Doc. No. 1155/2009 on the file of the 1st Respondent.



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2.Heard Mr.K.K.Senthilvelan, the learned counsel appearing for the petitioner and Mr.P.Subburaj, learned Special Government Pleader appearing for R1. Perused the materials available on record.

3.It is the case of the writ petitioner that the petitioner has derived title by way of settlement deed executed by his wife. However, the 3rd parties/respondents 2, 4 and 6 executed power of attorney in favour of the 9th respondent, in respect of the petitioner's property. Based upon the power, the 9th respondent executed a registered sale deed in favour of the 10th respondent on 19.02.2009 & 27.02.2009. the petitioner gave a petition to the first respondent to remove the documents registered in respect of the petitioner's Survey Number and the same has been rejected by the Authorities holding that they have no power to cancel the document. Hence, this petition has been filed.

4.The petitioner claims title from his wife, whereas, the third parties have already executed sale and the same have been registered by the 1st respondent. In such view of the matter, it is for the petitioner to establish his case before the competent Civil Court to cancel those documents by way seeking



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declaration. The petitioner has to work out his remedy elsewhere, neither the Sub Registrar nor the District Registrar cannot decide the title.

5. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

08.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To
1. The Sub-Registrar,
Nagalnaickenpatty Sub Registration Office, Dindigul..



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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