



W.P.(MD).No.20545 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.20545 of 2017

and

W.M.P.(MD)No.16845 of 2017

S.Ghouse Yacoob Hussain

...Petitioner

Vs

1.The District Registrar,
Madurai District (South),
Madurai.

2.The IV Sub-Registrar,
Madurai @ Palanganatham,
Madurai.

3.V.Sheik Ibrahim Ali

... Respondents

(R-3 is impleaded vide Court Order dated 27.11.2017 in W.M.P.(MD)No. 17304 of 2017 in W.P.(MD)No.20545 of 2017)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the illegal and invalid cancellation Deed No.1587/1993 dated 25.02.1993 and quash the same.



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For Petitioner : Mr.S.T.Sasidharan Tamilkani

For R-1 and R-2 : Mr.D.Sadiq Raja
Additional Government Pleader

For R-3 : Ms.P.Yasmin Begum

ORDER

Heard the learned counsels on either side.

2. This Writ Petition has been filed to quash the cancellation deed dated 25.02.1993 made in Doc.No.1587/1993.

3. The learned counsel for the petitioner has strongly relied upon the full bench decision of this Court, which has already held that the registering authority cannot entertain the unilateral cancellation of a document pertaining to property transfer.

4. The learned counsel appearing for the third respondent produced a copy of the order made by this Court in W.P.(MD) No. 1843 of 2013 dated 06.03.2014, wherein the wife of the petitioner, who is the principal and beneficiary had already approached this Court for similar relief. This Court had dismissed the writ petition, holding that the petitioner had failed to challenge the unilateral cancellation within the



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period of limitation. He further submitted that the present petitioner had filed the writ petition as the power of attorney holder for the petitioner in W.P.(MD) No. 1843 of 2013, a fact which had been suppressed by the petitioner in the present writ petition.

5. Even though I am inclined to follow the full bench decision of this Court, I am not doing so for the simple reason that the petitioner has approached this Court suppressing material facts, which cannot be disputed, as the order of the Court is a matter of record before this Court.

6. In fine, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:
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K.KUMARESH BABU, J.

Nsr

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