

W.P.No.35585 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

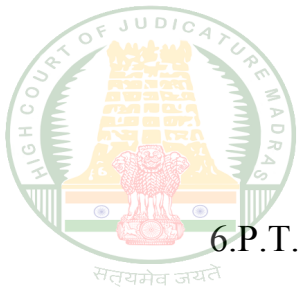
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R.Charles

...Petitioner

Vs

- 1.The District Collector,
O/o.District Collectorate Office,
Tiruppur District,
Tiruppur.
- 2.The Inspector General of registration,
O/o.The Inspector General of Registration,
Santhome High Road,
Chennai.
- 3.The Revenue Officer,
Revenue office campus,
Udumalaipettai,
Tiruppur District.
- 4.The District Registrar,
O/o District Registrar Office,
Registration Department,
Tiruppur – 641 602.
- 5.The Sub Registrar,
Sub Registrar Office,
Udamalaipettai,
Tiruppur – 642 126.



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6.P.T.Lakshmi

WEB COPY 7.T.Raheshwari

8.S.Jayanthi

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Mandamus, directing the respondents 1 and 5 to consider the petitioner's representation dated 22.08.2023 and to cancel the sale deed dated 14.12.2001 in Doc.No.5352/2001 in favour of 7th and 8th respondent in respect of land in survey No.344/N2B 0.38 acres depressed class lands.

For Petitioner : M/s.A.Parthasarathi

For Respondents : Mr.P.Harish (For R1 to R5)
Government Advocate

ORDER

The petitioner seeks a direction to the respondents 1 and 5 to consider petitioner's representation dated 22.08.2023 and to cancel the sale deed dated 14.12.2001 in Doc.No.5352/2001 in favour of 7th and 8th respondent in respect of land in survey No.344/N2B 0.38 acres depressed class lands.

2.The petitioner's contention is that the Tahsildar had assigned land under schedule caste category to one Gurupatham, who is the uncle of the petitioner and had issued patta No.R.D.OS.R.Dis.15528 dated 22.06.1976 vide survey No.344/N2B 0.38 acre. After the demise of said Gurupatham,



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petitioner's mother has been enjoying the said property and she had given power to sixth respondent to maintain the property. Thereafter, the sixth respondent had sold the property to non-members of scheduled caste and scheduled tribes through a sale deed registered before the 4th respondent and patta was also issued in favour of 7th and 8th respondents. The petitioner made a representation to the respondents to cancel the sale deed in favour of 7th and 8th respondents. Till date no action has been taken. Therefore, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for respondents 1 to 5.

4. In the light of the judgment of a Division Bench of this Court in the case of ***M.Kathirvel Vs. Inspector General of Registration, Department of Registration and Others [reported in 2024 (4) CTC 769]***, the prayer sought for cannot be granted, as it has been held by the Division Bench that the Registering Authority has no power to cancel the document unilaterally. However, this does not preclude the petitioner from working out the other remedies available to him.



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5. Accordingly, the Writ Petition is dismissed. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To



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P.T.ASHA, J.



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