

W.P(MD)No.9797 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.9797 of 2023

and

WMP(MD)Nos.8633 and 8634 of 2023

Nallakannu
S/o. Nangaiappan

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Tahsildar,
Srivaikundam Taluk,
Srivaikundam,
Thoothukudi District.

3. The Sub Registrar Office,
Srivaikundam Sub Registrar Office,
Srivaikundam,
Thoothukudi District.

4. Kailasaraman

5. Pitchai,

6. Sankar Ganesh

...Respondents



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PRAYER : Writ Petition is 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 Impugned Sale Deed in Doc.No. 1/387/2023 dated 29.03.2023 in respect of property in Sy.No. 115/5 measuring an extent of 50 cents in Athichanallur Village, Srivaikundam Taluk, Thoothukudi District and quash the same as illegal and consequently direct the 3rd respondent to delete the sale deed.

For Petitioner : Mr.P.Chandrasekar

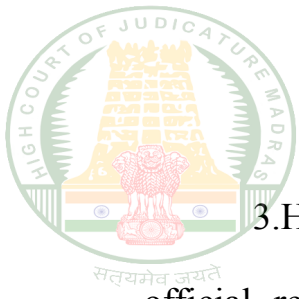
For Respondents : Mr.D.Sasikumar for R1 to R3
Additional Govt. Pleader

Mr.M.S.Jeya Karthik for R6

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the Impugned Sale Deed in Doc.No. 1/387/2023 dated 29.03.2023 in respect of property in Sy.No. 115/5 measuring an extent of 50 cents in Athichanallur Village, Srivaikundam Taluk, Thoothukudi District and consequently to direct the 3rd respondent to delete the sale deed.

2.The learned counsel appearing for the petitioner submitted that the petitioner is no more. Hence, he wants to implead the legal heirs of the petitioner.



3.However, the learned Additional Government Pleader appearing for the official respondents submitted that the petitioner is claiming right over the property, based on the cultivating tenancy rights.

4.The learned counsel appearing for the private respondents submitted that the petitioner is claiming the property as a cultivating tenant in Survey No. 115/3. However, the present sale deed is registered in respect of Survey No. 115/5. Therefore, the petitioner's claim pertains to an entirely different survey number. Hence, the same cannot be entertained at this stage.

5.After hearing the rival submissions, this Court is of the considered opinion that the cultivating tenancy rights ought to be established through appropriate proceedings. Whether the Petitioner right has been determined by any authority is not clear. Further, once the sale deed is registered by the Registration Department, except civil Court, no authority has no power to cancel the sale deed, except if fraud is explicitly proved. There is no express fraudulent act established in the present writ petition. Therefore, the sale deed cannot be cancelled. However, the legal heirs of the petitioner are at liberty to file a civil suit to establish their rights, if so advised.



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6. With the above observations, this writ petition is dismissed. No costs.

Consequently, the connected writ miscellaneous petitions are closed.

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25.08.2025

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

vsg

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Tahsildar,
Srivaikundam Taluk,
Srivaikundam,
Thoothukudi District.

3. The Sub Registrar Office,
Srivaikundam Sub Registrar Office,
Srivaikundam,
Thoothukudi District.



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S.SRIMATHY, J.

vsg

**ORDER MADE IN
W.P(MD)No.9797 of 2023**

DATED :25 .08.2025