



W.A(MD)No.440 of 2022 & W.P(MD)No.9032 of 2021

WEB CO **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 13.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

**W.A(MD)No.440 of 2022 & W.P(MD)No.9032 of 2021
and
C.M.P(MD)Nos.4242 of 2022 & 15466 of 2023
and
W.M.P(MD)Nos.6797 & 8193 of 2021**

1.W.A(MD)No.440 of 2022:

J.M.H.Imrankhan

... Appellant

VS.

1.The District Registrar,
Periyakulam Registration District,
Theni District,
Theni - 625 531.

2.The Sub-Registrar,
Periyakulam Registration District,
Theni District,
Theni - 625 531.

3.Govindaraj
4.Shenbagavalli

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5.Seethalakshmi

6.S.Senthilkumar

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 31.03.2022 passed in W.P(MD)No.5805 of 2022 on the file of this Court.

For Appellant : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.M.Mahaboob Athiff (R1 & R2)
Special Government Pleader

: Mr.AN.Ramanathan (R3 & R4)

: No appearance (R5)

: Mr.A.Jeyaram (R6)

2.W.P(MD)No.9032 of 2021:

S.Jeyasingh

... Petitioner

VS.

1.The District Collector,
Theni District,
Theni - 625 531.

2.The Thasildar,
Theni District,
Theni - 625 531.

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3.The Commissioner Municipality,
Theni- Allinagaram City,
Theni - 625 531.

4.The Sub-Inspector of Survey,
Department of Survey,
Theni District,
Theni - 625 531.

5.The Sub-Registrar,
Periyakulam Registration District,
Theni District,
Theni - 625 531.

6.Govindaraj

7.Shenbagavalli

8.Seethalakshmi

9.R.Rajeshkanna

10.J.M.H.Imrankan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 not to make any mutation in their records on the undivided properties are situated at Theni District, Periyakulam Registration District, Theni Sub-Registration, Allinagarm Village, Thenikal Puduvayal wet land in Ayan Survey No.419/4 admeasuring 32 cents, Survey No.420 admeasuring 37 cents totally 69 cents and in Ayan Survey No.475/1 admeasuring 18 cents totally of 87 cents, pending disposal of the suit in I.A.No.2 of 2021 in O.S.No.64/2018 on the file of the Additional District Judge, Theni and by



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WEB COPY considering the petitioner's representations dated 05.02.2021 and 08.03.2021.

For Petitioner : Mr.A.Jeyaram

For Respondents : Mr.M.Mahaboob Athiff (R1, R2, R4 & R5)
Special Government Pleader

: Mr.M.Rajarajan (R3)

: Mr.K.Dinesh Babu (R6 & R7)

: Ms.R.M.Geetha (R9)

: Mr.T.S.Mohamed Mohideen (R10)

COMMON JUDGMENT

(Judgment of the Court was delivered by M.DHANDAPANI, J.)

W.P.(MD)No.9032 of 2021 has been filed seeking issuance of a Writ of Mandamus directing respondents 1 to 5 not to effect any mutation in their records in respect of the undivided properties situated at Theni District, Periyakulam Registration District, Theni Sub-Registration District, Allinagaram Village, Thenikal Pudevayal wet lands, comprised in Ayan Survey No.419/4, measuring an extent of 32 cents, and Survey No.420, measuring an extent of 37 cents, totalling 69 cents, and Ayan Survey No.



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475/1, measuring an extent of 18 cents, totalling 87 cents, pending disposal of I.A.No.2 of 2021 in O.S.No.64 of 2018 on the file of the Additional District Judge, Theni, and also to consider the petitioner's representations dated 05.02.2021 and 08.03.2021.

2.W.A.(MD)No.440 of 2022 has been filed by the sixth respondent in W.P.(MD)No.5805 of 2022, challenging the order passed by the learned Single Judge of this Court in W.P.(MD)No.5805 of 2022, dated 31.03.2022.

3.Earlier, one S.Senthil Kumar, who is the brother of the petitioner in W.P.(MD)No.9032 of 2021, filed W.P.(MD)No.5805 of 2022 before the learned Single Judge of this Court, seeking issuance of a Writ of Mandamus directing respondents 1 and 2 therein to consider his representation dated 16.02.2021, requesting cancellation of the sale deed dated 21.01.2021, registered as Document No.506 of 2021 on the file of the second respondent.



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4.The learned Single Judge, by order dated 31.03.2022, directed the District Registrar to consider the representation dated 16.02.2021 and pass appropriate orders in accordance with law.

5.The learned counsel appearing for the appellant in W.A. (MD)No.440 of 2022 would submit that, in respect of the very same subject matter which arises for consideration in W.P.(MD)No.9032 of 2021, the petitioner therein had instituted a suit in O.S.No.47 of 2021 on the file of the District Munsif Court, Theni, seeking a declaration, and the said suit was dismissed for default on 06.08.2025.

6.It is further submitted that, in view of the dismissal of the said suit, the direction issued by the learned Single Judge in W.P.(MD)No.5805 of 2022 cannot be sustained. It is also contended that the registering authority has no jurisdiction or power to cancel a registered sale deed and that the relevant provision empowering such cancellation has also been set



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aside by this Court. Therefore, the learned counsel prayed for allowing the Writ Appeal and setting aside the order passed by the learned Single Judge.

7.We have considered the submissions made on either side and perused the materials available on record.

8.It is not in dispute that the subject matter of the dispute between the parties relates to the title and rights over the properties in question and that the parties have already approached the competent Civil Court in respect of the same subject matter. When the dispute involves adjudication of civil rights, title and validity of the sale deed, the same cannot ordinarily be adjudicated in exercise of the writ jurisdiction of this Court.

9.Insofar as W.P.(MD)No.5805 of 2022 is concerned, the learned Single Judge had merely directed the District Registrar to consider the representation submitted by the petitioner seeking cancellation of the sale



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WEB COPY deed. However, in the light of the subsequent developments and the fact that the parties have already invoked the jurisdiction of the competent Civil Court in respect of the subject matter, such a direction cannot be permitted to operate in a manner which would result in the adjudication of disputed questions of title or the validity of the registered sale deed by the registering authority.

10.The validity of the sale deed and the rights of the respective parties are matters which have to be adjudicated by the competent Civil Court in accordance with law. The registering authority cannot assume the jurisdiction of a Civil Court and decide disputed questions of title between the parties.

11.In view of the above, we are of the considered view that the order passed by the learned Single Judge in W.P.(MD)No.5805 of 2022, dated 31.03.2022, warrants interference.

12.Accordingly, W.A.(MD)No.440 of 2022 is allowed and the



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WEB COPY order passed by the learned Single Judge in W.P.(MD)No.5805 of 2022, dated 31.03.2022, is set aside.

13.Insofar as W.P.(MD)No.9032 of 2021 is concerned, since the subject matter of the writ petition relates to disputed civil rights and the parties have already approached the competent Civil Court, no direction as sought for by the petitioner can be issued in the present writ proceedings. Accordingly, W.P.(MD)No.9032 of 2021 is dismissed. However, if any other suit or proceeding in respect of the subject matter is pending before any competent Civil Court, the petitioner is at liberty to work out his remedies and canvas all the available grounds before the said Court, in accordance with law. The dismissal of the present writ petition shall not preclude the petitioner from pursuing such remedies. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

[M.D.I.,J.] & [N.D.K.,J.]
13.08.2026

NCC : Yes / No
Index : Yes / No
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To

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Department of Survey,
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6.The Sub-Registrar,
Periyakulam Registration District,
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M.DHANDAPANI, J.
and
N.DILIP KUMAR, J.

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