



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.14331 of 2021

and

W.M.P. (MD) .No.11260 of 2021

WEB COPY

V.R.Krishnan

... Petitioner

**Vs.**

1.The District Registrar (Administration),  
Madurai South,  
Office of the District Registrar,  
171, Aranmanai Salai, Madurai-625 001.

2.The No.1 Joint Sub Registrar,  
Madurai South,  
171, Aranmanai Salai,  
Madurai-625 001.

3.P.Abraham Lingan

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, to call for the records of the impugned notice issued by the first respondent in Na.Ka.No.4413/Aa2/2020, dated 12.07.2021 and quash the same as illegal.

For Petitioner

: Mr.V.Baskaran

For R1 & R2

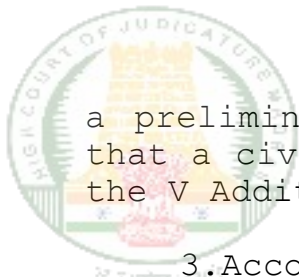
: Mr.P.Subbaraj

Counsel for State

**ORDER**

The petitioner challenges a notice dated 12.07.2021, whereby he was directed to appear on 23.07.2021 for an inquiry in respect of a fraudulent registration.

2.The petitioner states that he is a *bona fide* purchaser of a property under a sale deed dated 04.08.2017. The dispute is between the petitioner, the third respondent herein and one Selvana Kumanan. The said individuals also claim title to the property in question under sale deeds executed by the agents of G.Rahmed Beevi. According to the petitioner, the said power of attorney as well as sale deeds in favour of the third respondent and Selvana Kumanan are invalid because they were executed even prior to the execution of a sale deed by the Tamil Nadu Housing Board in favour of the said G.Rahmed Beevi. The petitioner also states that the proceedings in connection with the aforesaid fraudulent transactions culminated in



a preliminary order dated 29.06.2017. Subsequently, it is stated that a civil suit in connection therewith is pending on the file of the V Additional District Judge, Madurai in O.S.No.127 of 2018.

3. According to the petitioner, in the aforesaid facts and circumstances, the first respondent does not have the jurisdiction to conduct a second inquiry into a matter which had been concluded on 29.06.2017. More importantly, the petitioner contends that the dispute between the private parties is the subject matter of a civil suit and, therefore, the first respondent cannot decide such title dispute.

4. The impugned notice calls upon the petitioner to appear for an inquiry in relation to the fraudulent registration of a document. *Ex facie*, it cannot be stated that the first respondent lacks jurisdiction. There is no doubt that the District Registrar is not empowered to decide a title dispute. However, he does have the authority to inquire into fraudulent registrations. As such, it is open to the petitioner to appear before the first respondent and raise objections whether with regard to the lack of jurisdiction of the first respondent to decide questions of title or that the first respondent should not rehear a matter that was decided in June 2017. However, as stated above, since it cannot be said that the first respondent *ex facie* lacks jurisdiction, the petitioner has not made out a case to interfere with the impugned notice.

5. Accordingly, W.P.(MD).No.14331 of 2021 is disposed of by directing the first respondent to conduct and conclude the inquiry within a period of four (4) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, the third respondent herein and any other person who would be affected by such decision. Since the merits of the matter have not been examined and because the first respondent have been directed to hear the third respondent in such inquiry, W.P.(MD).No.14331 of 2021 is disposed of without notice to the private respondent. There will be no order as to costs. Consequently, W.M.P.(MD).No.11260 of 2021 is closed.

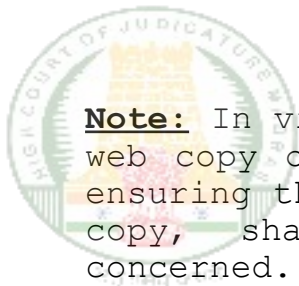
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**WEB COPY**

**To**

1.The District Registrar (Administration),  
Madurai South,  
Office of the District Registrar,  
171, Aranmanai Salai,  
Madurai-625 001.

2.The No.1 Joint Sub Registrar,  
Madurai South,  
171, Aranmanai Salai,  
Madurai-625 001.

+1 CC to M/s.The Special Government Pleader (SR-26387[F] dated 16/08/2021)

+1 CC to M/s.V.BASKARAN, Advocate ( SR-26448[F] dated 16/08/2021 )

**W.P. (MD) .No.14331 of 2021**

**13.08.2021**

**RS (31.08.2021) 3P 5C**