



WP(MD)No.839 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.12.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.839 of 2021
and W.M.P(MD)Nos.702 and 703 of 2021

Syed Nazeer Ibrahim

...Petitioner

/Vs./

1. The District Registrar,
Ramanathapuram,
Ramanathapuram District

2.The Sub-Registrar,
Sub Registrar Office,
Keelakarai,
Keelakarai Taluk,
Ramanathapuram District

3.Mariyam Thaha

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining the impugned order in Na.Ka.No.555/Aa1/2018 dated Nil.11.2018 signed on 29.11.2018 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.J.M.Hassanul Bazari

For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

For R3 : Mr.J.Barathan



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ORDER

This Writ Petition has been filed challenging the impugned order passed by the 1st respondent through the proceedings in Na.Ka.No. 555/Aa1/2018 dated Nil.11.2018 signed on 29.11.2018 whereby the documents registered as document Nos.455/2009, 105/2010 and 3502/2012 were declared as invalid and further action was directed to be taken under Sections 82 and 83 of the Registration Act.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the 3rd respondent.

3. The case of the petitioner is that one Sithi Hathija executed a power deed dated 23.12.2009 in favour of one Murugesan pertaining to the property in Survey No.86/1 measuring an extent of 1.48 acres at Ramanathapuram District. Pursuant to the same, the power agent executed a registered sale deed dated 11.01.2010 in favour of one Dharmaraj and this document was registered as document No.105/2010 before the 2nd respondent. The said Dharmaraj executed a power of attorney dated 24.01.2011 in favour of



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one Pullani with respect to 74 cents out of 1.48 acres. The said Dharmaraj sold an extent of 70 ¼ cents in favour of the petitioner through a registered sale deed dated 28.09.2012 registered as document No.3502 of 2012.

4. The further case of the petitioner is that the 3rd respondent had given a complaint before the 1st respondent as if the documents, that were executed, are all invalid. Parellely the 3rd respondent also filed a suit in O.S.No. 37 of 2019 before the Principal Sub Court, Ramanathapuram, for a declaration declaring the documents as null and void and for other consequential reliefs. Without considering the fact that the 3rd respondent had filed a substantive suit, the 1st respondent through the impugned proceedings dated 29.11.2018 declared all the documents as invalid. Further directed that action must be initiated under Sections 82 and 83 of the Registration Act. Aggrieved by the same, this Writ Petition has been filed before this Court.

5. In the considered view of this Court, the 3rd respondent has initiated a substantive suit in O.S.No.37 of 2019 which is pending before the Principal Sub Court, Ramanathapuram. In that suit, the 3rd respondent has sought for declaration declaring all the documents registered as document No. 455 of 2009, 105 of 2010 and 3502 of 2012 as null and void and nonest in the



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eye of law and consequentially to declare the title of the 3rd respondent over the subject property and also to restrain the defendants from making any further encumbrance. This suit was filed during the pendency of the proceedings before the District Registrar. The same was not taken into consideration by the District Registrar. The District Registrar has proceeded to pass the impugned order by declaring the documents as invalid.

6. It is brought to the notice of this Court that the suit is at the stage of trial. In view of the same, it will be fit and proper if the parties are relegated to the trial court to agitate their grievance. The trial court will not be bound by the order passed by the 1st respondent through the proceedings dated 29.11.2018. The trial court will deal with the issues raised independently on its own merits and in accordance with law. The trial court will not be influenced by the order passed by the District Registrar. In fact, the order passed by the District Registrar will be subject to the result in the civil proceedings pending in O.S.No.37 of 2019.

7. In the light of the above discussion, the order passed by the first respondent dated 29.11.2018 shall be kept in abeyance till the disposal of the suit in O.S.No.37 of 2019 on the file of the Principal Sub Court,



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Ramanathapuram. The trial court shall proceed further with the case independently and shall pass final judgment and decree within a period of six months from the date of receipt of a copy of this order. The order passed by the 1st respondent through the proceedings dated 29.11.2018 shall be subject to the final result in the civil proceedings.

8. In the result, this Writ Petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

19.12.2023

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



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To,

1. The District Registrar,
Ramanathapuram,
Ramanathapuram District

2. The Sub-Registrar,
Sub Registrar Office,
Keelakarai,
Keelakarai Taluk,
Ramanathapuram District



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N.ANAND VENKATESH, J.

CM

Order made in
W.P.(MD)No.839 of 2021
and W.M.P(MD)Nos.702 and 703 of 2021

Dated:
19.12.2023