



W.P(MD)No.901 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.901 of 2022

and

W.M.P(MD)Nos.734 & 736 of 2022

A.Thalaiselvi

... Petitioner

Vs.

1.The Deputy Inspector General,
Registration Department,
Rajakambiram,
Y.Othakadai,
Madurai.

2.The District Registrar (Administration),
(in the capacity of Assistant Inspector
General of Registration),
Madurai South,
Madurai District.

3.Devaraj Anbu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the entire
records pertaining to the impugned order passed by the second



W.P(MD)No.901 of 2022

respondent in Na.Ka.No.8613/Aa2/2021 dated 03.01.2022 and quash the same.

For Petitioner : Mr.R.Anand

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 & R.2

No Appearance for R.3

ORDER

Heard both sides.

2. The petitioner purchased certain items of property vide sale deed dated 16.03.2015 vide Document No.388 of 2015 on the file of the Sub Registrar, Checkanurani. The petitioner's vendors were I.Aanandhan and J.Raj Kumar. They in turn placed their title to one Ramayee Ammal. The case of the third respondent is that the vendors were incompetent to execute the said sale deed dated 16.03.2015 in favour of the petitioner. Since the petitioner had obtained mutation of patta, he moved the District Revenue Officer, Madurai. The District Revenue Officer, Madurai disposed of the revision petition vide proceedings dated 08.12.2021 by



W.P(MD)No.901 of 2022

restoring the position that obtain in the revenue record prior to UDR.

Based on the said order dated 08.12.2021, the District Registrar (Administration), Madurai South set aside the sale deed dated 16.03.2015 as well as the sale deed dated 16.04.2012 executed in favour of I.Anandhan and J.Raj Kumar. Challenging the said proceedings dated 03.01.2022 the petitioner has filed W.P(MD)No.901 of 2022. During the pendency of the writ petition, the petitioner and the third respondent arrived at a compromise. The terms of the understanding are as follows:

“(iii) By virtue of the said settlement, the aforesaid writ petition, on filing of this affidavit and upon a request being made in this regard, would be withdrawn by me in the presence of the other side. Consequent to that, the suit that has been filed before the learned District Munsif, Thirumangalam in O.S.No.301 of 2021 also would be withdrawn.

(iv) It is made clear that for obtaining patta in respect of 66 cents available in Survey No.76/1D, while moving an application by me, Devaraj Anbu / Lieutenant General should not object instead, if necessary, has to give his consent in writing for enabling the authority's concerned to pass orders in my favor with regard to the mutation.



W.P(MD)No.901 of 2022

(v) In a similar way, while Devaraj Anbu / Lieutenant General seeking for the patta to be in his name of the properties comprised in Survey No.76/1A, 76/1B and 76/1C of the said village, I will say no objection even in writing whenever the necessity arises and I would also extent my cooperation to ensure that the patta in respect of the said property stand in the name of Devaraj Anbu / Lieutenant General.”

That apart two other aspects need to be taken note of. The order based on which the District Registrar (Administration), Madurai South passed the cancellation order has been set aside in W.P(MD)No.2776 of 2022 today (06.10.2023).

3. As rightly pointed out by the learned counsel appearing for the petitioner as held by the Hon’ble Apex Court in ***Satya Pal Anand Vs The State of Madhya Pradesh reported in (2016) 10 SCC 767*** the District Registrar, Registration Department did not have the power to cancel a registered document. Therefore, the impugned order is set aside. Even though, the impugned cancellation order has been set aside, the petitioner is still bound by the terms of the agreement entered into between the



W.P(MD)No.901 of 2022

parties.

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4. This writ petition is allowed on these terms. It is open to the third respondent to get this order registered in the encumbrance register. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.10.2023

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

MGA

To

1.The District Revenue Officer cum
Additional District Magistrate,
Madurai.

2.The Tahsildar,
Tirumangalam Taluk,
Madurai District.

3.The Inspector of Police,
Sindupatti Police Station,
Madurai District.

G.R.SWAMINATHAN, J.

5/6



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W.P(MD)No.901 of 2022

MGA

W.P(MD)No.901 of 2022
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W.M.P(MD)Nos.734 & 736 of 2022

06.10.2023