



W.P.(MD) No.4141 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.4141 of 2020

and

W.M.P(MD) Nos.3491 and 3492 of 2020

A.Solamalai

... Petitioner

Vs.

1.The District Registrar (Administration),
Madurai North,
Integrated Registration Campus,
Rajagambeeram,
Y.Othakadai,
Madurai-107.

2.P.Jegadeeshan

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings of the District Registrar (Administration), Madurai (North), dated 30.01.2020 in Na.Ka.No.4901/R2/2019-2, contemplating cancellation of documents registered in Doc. Nos.



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1921/2013, 2670/2014 and 2562/2017 on the file of the District Registrar, Madurai (North) Joint I and quash the same.

For Petitioner : Mr.N.Dharmar
For R1 : Mr.T.Amjadkhan
Government Advocate
For R2 : Mr.V.N.Arjun

ORDER

The impugned notification, which is the subject matter of challenge before this Court in the writ petition, is dated 30.01.2020 issued by the first respondent informing the petitioner to appear before him on 10.02.2020 at 03.00 p.m to answer in response to a complaint lodged by the second respondent with the first respondent.

2. The petitioner seeks to quash this notice on the ground that the impugned proceedings is illegal and arbitrary as the first respondent does not have the jurisdiction to conduct an enquiry to cancel the registered documents. It is his contention that the dispute which is raised by the



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second respondent falls conclusively within the domain of a civil Court and it cannot be dealt with by the District Registrar. The petitioner would further submit that the circular which had given a power to the Inspector General of Registration, to enquire into fraudulent document, has also been withdrawn by the Inspector General of Registration referring to a judgment of the Hon'ble Supreme Court.

3. The petitioner claims to have purchased the property under a registered sale deed dated 10.05.2013 executed by one Mr.P.Jeyapal through his power agent Mr.G.S.Senthil. After the purchase, necessary tax and other revenue records have been transferred to the name of the petitioner. After the sale, a claim has been made by one Mr.P.Jeyaseelan, who is the brother of Mr.P.Jeyapal stating that he has a right in the property and that his three of the siblings have released their respective 1/5 share in the suit property and therefore, the sale by Mr.P.Jeyapal in respect of entire property is totally without any jurisdiction. The petitioner would also submit that they have filed a civil suit in O.S.No. 311 of 2019, in which, interim orders have been granted.



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4. Considering the fact that the petitioner has been asked to respond to the complaint and the same is only a notice of enquiry, the petitioner can very well appear before the first respondent and submit his objections. It is needless to state that if the same involves serious issues of title, the first respondent herein may not be competent to adjudicate upon the title. Further, a civil suit instituted by the petitioner herein, is already pending. In these circumstances, I see no reason to entertain the writ petition. Accordingly, this Writ Petition is dismissed. However, the petitioner is directed to submit his objections before the first respondent and the first respondent shall consider the same and pass appropriate orders on merits within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

20.03.2023

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

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P.T.ASHA, J.

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