



W.P(MD)No.4826 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4826 of 2022

and

W.M.P.(MD)No.3994 of 2022

M/s.Ravin Agro Holdings,
Rep. by its Partner,
No.11/A-1, Mullaivanam,
1st Main Road, Nesamony Nagar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.

... Petitioner

Vs.

1.The District Registrar (Administration),
Nagercoil,
Kanyakumari District.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nagercoil,
Kanyakumari District.

3.C.Ashokan

4.M.Balasubramanian
District Registrar,
The District Registrar (Administration),
Nagercoil,
Kanyakumari District.

... Respondents



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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 records pertaining to the impugned order passed by the 1st respondent in his proceedings Mu.Mu.No.842/A1/2022 dated 15.02.2022 and quash the same as illegal, without jurisdiction and in violation of principles of natural justice and impose exemplary cost upon the 4th respondent.

For Petitioner : Mr.B.Saravanan
Senior Counsel
for Mr.D.Kirubakaran

For Respondents : Mr.M.Prakash
Additional Government Pleader for R1
: Mr.N.Ramesh Arumugam for R2
: Mr.C.Sankarprakash for R3

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1 and the learned counsel appearing for R2 and the learned counsel appearing for R3.

2. The petitioner had purchased the petition mentioned lands under various deeds of sale. The sale deeds are of the year 1992-95. The third respondent gave a complaint that the lands belong to the religious endowment and that therefore, the sale deeds have to be cancelled.



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3. It is seen from the record that this application was originally rejected by the first respondent. But then, subsequently, on 15.02.2022, the first respondent/then incumbent in the office of the first respondent passed the impugned order cancelling the petition mentioned sale deeds.

4. As rightly pointed out by the learned senior counsel appearing for the petitioner, the impugned order is liable to be set aside on more than one ground.

(I) The first ground is that it was passed without notice to the petitioner. The impugned order is in flagrant and breach of the principles of natural justice.

(II) Secondly, the District Registrar (Administration), Nagercoil, Kanyakumari rejected the very same request on 15.02.2022. When once the office of the District Registrar (Administration) Registration Department had negatived the request, the same issue could not have been re-visited. The principle of *functus officio* will definitely come into play. Even though the concept of *res judicata* may not be applicable to such proceedings, still, an issue cannot be re-agitated. Therefore, the impugned order is patently un-sustainable. It is set aside. I would have taken a very serious view in the matter but for the production of “A” register entry by the Additional



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Government Pleader. *Prima facie*, the petition mentioned survey numbers

stand in the name of “ஆனந்தபுரம் பூலவடைய கண்டன் சாஸ்தா கோவில் வகைக்கு நம்பகர் ரா.நாராயண பிள்ளை”. In any event, a registered document cannot be cancelled by the registering authority (***Satya Pal Anand Vs. State of Madhya Pradesh (2016) 10 SCC 767***). Any aggrieved individual is at liberty to move the jurisdictional civil Court for relief.

5. With this liberty to the respondents, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.10.2023

Index : Yes / No

Internet : Yes/ No

rmi

To

The District Registrar (Administration),
Nagercoil,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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