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W.P.(MD)NO.5344 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5344 of 2022 AND

W.M.P.(MD)No.4353 of 2022

Khader Kani

... Petitioner

Vs.

1. The District Registrar(Administration),
Registration Department,
Sivagangai,
Sivagangai District.

2. The Sub Registrar,
Registration Department,
Ilayankudi,
Sivagangai District.

3. Abimanyu

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in his proceedings in Mu.Mu.No.2302/E1/2021 dated 24.01.2022 and quash the same.

For Petitioner : Mr.B.Prahalad Ravi

For R-1 & R-2 : Mr.V.Nirmal Kumar,
Government Advocate.

For R-3 : Mr.G.Ravishankar

* * *



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ORDER

Heard both sides.

2. The writ petitioner had purchased the petition-mentioned property from one Sheik Sulthan in the year 2012. Sheik Sulthan in turn had purchased the property from one Mohammed Sulthan in the year 2009. Questioning these two documents, the third respondent herein, namely, Abimanyu filed a complaint before the first respondent. The first respondent noticed that there was no forgery or impersonation. However, the first respondent rendered a finding that Abimanyu and his brother have already filed petition before the District Revenue Officer, Sivagangai and the revenue record has been mutated in their favour. In that view of the matter, direction was given to the Registering authority not to register any document at the instance of the petitioner.

3. Section 77A of the Registration Act does not have any retrospective effect. Likewise, the circulars issued by the IG of



Registration also do not have any retrospective effect. Circular No.67 dated 03.01.2011 had been withdrawn. In these circumstances, I fail to understand under which provision of law, the first respondent had issued the impugned direction.

4. The third respondent will have to establish his rights either before the jurisdictional civil Court or rely on the statutory provision set out in the Tamil Nadu Patta Passbook Act and Rules framed thereunder.

5. I make it clear that the order impugned in this writ petition is set aside only on a technical ground. Allowing of this writ petition will not amount to casting any aspersion on the rights of the third respondent. The rights of the third respondent are left open.

6. With this observation, this order impugned in this writ petition is set aside. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

09.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN,J.

PMU

To:

1. The District Registrar(Administration),
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Sivagangai,
Sivagangai District.
2. The Sub Registrar,
Registration Department,
Ilayankudi,
Sivagangai District.

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