



W.P(MD)Nos.5442 and 5446 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.5442 and 5446 of 2022
and
W.M.P.(MD)Nos.4412 and 4414 of 2022

W.P.(MD)No.5442 of 2022:-

Sukhraj Bhatia

... Petitioner

Vs.

1.The District Registrar (Administration),
Madurai South, Madurai.

2.The Sub Registrar,
Peraiyur,
Madurai District.

3.M.Sudhakaran

... 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 records pertaining to the order dated 04.03.2022 passed by the 1st respondent vide proceedings in Na.Ka.No.5234/Aa2/2021 and quash the



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same as illegal.

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For Petitioner : Mr.K.K.Udhayakumar,
For Mr.C.R.M.Prabhu

For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1 & R2.
No appearance for R3.

W.P.(MD)No.5446 of 2022:-

Sukhraj Bhatia

... Petitioner

Vs.

1.The District Registrar (Administration),
Madurai South, Madurai.

2.The Sub Registrar,
Peraiyur,
Madurai District.

3.M.Ilayarajan

... 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 records pertaining to the order dated 04.03.2022 passed by the 1st respondent vide proceedings in Na.Ka.No.6962/Aa2/2021 and quash the same as illegal.



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For Petitioner : Mr.K.K.Udhayakumar,
For Mr.C.R.M.Prabhu

For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1 & R2.
No appearance for R3.

COMMON ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the official respondents. The third respondent has been served but he is not represented before this Court.

2.While Sudhakaran lodged a complaint on 19.08.2021, Ilayarajan lodged a complaint on 25.10.2021 before the first respondent for nullifying the Document No.2261/08 registered on the file of the Sub Registrar Office, Peraiyur dated 01.09.2008. Notice was issued by the first respondent to the petitioner. The petitioner did not appear for enquiry. In these circumstances, the impugned order came to be passed canceling the sale deed. Challenging the same, the present writ petition came to be filed.



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3.The learned counsel for the petitioner pointed out that the petitioner has not been given sufficient opportunity. The said contention may hold good in respect of the complaint lodged by Ilayarajan, S/o.Maya Thevar. The notice on the given by Ilayarajan was received by the petitioner on 03.03.2022. Whereas the impugned the order came to be passed on 04.03.2022. The petitioner was based in Haryana and therefore, it was not possible for him to be present for enquiry before the District Registrar (Administration), Madurai South. But on the complaint of Sudhakaran, the other son of Maya Thevar, notice was received by the petitioner in November 2021 itself. Both the complaints pertain to one and the same document. Therefore, the petitioner cannot complain that he did not have sufficient time to appear before the authority concerned.

4.Coming to the merits of the matter, the property in question stood in the name of Maya Thevar. Maya Thevar had passed away on 12.06.2008 itself. Whiles, execution of Document No.536/2008 power of attorney dated 29.07.2008 is attributed to Maya Thevar. He was



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already dead by then. That is why, the impugned order came to be passed. Even after a careful appreciation of the facts on record, I am not able to disagree with the factual findings. I am not persuaded to interfere with the impugned orders. The orders impugned in these writ petitions are sustained and the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.10.2023

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

1.The District Registrar (Administration),
Madurai South, Madurai.

2.The Sub Registrar,
Peraiyur,
Madurai District.



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G.R.SWAMINATHAN, J.

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