



W.P(MD)No.27535 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27535 of 2022

R.Perunithi

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Foreshore Estate,
Chennai 600 004.

2.The District Registrar,
Office of the District Registrar,
Sivagangai District.

3.The Sub Registrar,
Office of the Registrar,
Madagupatti,
Sivagangai District.

4.A.Kalitheerthaan

5.M.Sowntharam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.2 to cancel the fraudulent Sale Deed in Document No.1576 dated 11.11.2016 and the Rectification Deed Document No.425/2017 dated 10.05.2017 as per G.O.(Ms) No.392 dated 02.09.2021 in view of the 2nd respondent proceedings



W.P(MD)No.27535 of 2022

order in Na.Ka.No.219/E1/2018 dated 05.09.2018 by considering the petitioner's husband's representation dated 29.10.2019 and for other such reliefs within a period stipulated time by this Court.

For Petitioner : Mr.S.Rabeek Raja

For Respondents : Mr.N.Satheeskumar,
Addl. Government Pleader for R1 to R3.
Mr.P.Murugadasan for R4.
Mr.R.Suriyanarayanan for R5.

ORDER

Heard the learned counsel on either side.

2.The petitioner wants the petition mentioned documents to be cancelled. The petitioner invokes the amended provision of the Registration Act namely, Section 77(A) of the Act in her favour. I do not know as to how an amendment made with effect from 06.08.2022 can retrospectively operate. The lands in question measure 7 Acres and 36 Cents. The writ petitioner's husband was entitled to 2 Acres and 45 Cents of undivided share. Out of his entitlement, the petitioner's husband settled 1 Acre and 18 Cents in favour of the minor children and nominated the petitioner as the guardian. This settlement was executed in the year 2011. 4 Cents of the land was given for laying road. Earlier, he had sold 1 Acre and 23 Cents of land in the year 2007 in favour of the fourth



W.P(MD)No.27535 of 2022

respondent and one Sathappan. The fourth respondent had purchased 1/3rd undivided share in the entire extent from the other co-owners way back in the year 1981. The fourth respondent sold 2 Acres of land in favour of the fifth respondent on 11.11.2016. However, there was an error in the measurements. Hence, rectification deed dated 10.05.2017 was also executed between the fourth and the fifth respondents. The categorical stand of the fifth respondent is that he is entitled to 2 Acres of land and not more than that. Deducting the land sold in favour of the fifth respondent, the fourth respondent is entitled to 1 Acre and 37 Cents of lands. The petitioner felt aggrieved that the fourth respondent sold excess land submitted a complaint before the second respondent. The second respondent vide proceedings dated 02.05.2017 relegated the parties to go before the jurisdictional Civil Court. The petitioner instead of questioning the said order, chose to submit one more representation. There was change in the incumbent in the office. The new incumbent issued proceedings dated 08.10.2018 endorsing the allegations of the writ petitioner. Alleging that this subsequent proceedings dated 08.10.2018 has not been enforced, the present writ petition has been filed.

3.I fail to understand as to how the District Registrar (Administration), Sivagangai could have issued the proceedings dated 08.10.2018, when the



W.P(MD)No.27535 of 2022

earlier proceedings dated 02.05.2017 was still holding good. When once a complaint had been disposed of in the manner known to law, when there is no specific provision for review or recall, the subsequent incumbent cannot take a contra view. I, therefore hold that proceedings dated 08.10.2018 issued District Registrar (Administration), Sivagangai cannot be enforced. At the same time, since the contesting respondents herein appear to have accepted that the petitioner's entitlement over 1 Acre and 18 Cents cannot be disputed, the issue can be resolved by survey and demarcation of the respective properties. Even while declining to grant the relief as sought for in the writ petition, I permit the petitioner to submit an application for survey and measurement before the jurisdictional Tashildar. The jurisdictional Tahsildar will survey and demarcate boundaries based on the respective title documents. The survey shall be completed within a period of twelve weeks after the petitioner submits the application.

4.The writ petition is disposed of accordingly. No costs.

19.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



W.P(MD)No.27535 of 2022

To:-

WEB COPY

- 1.The Inspector General of Registration,
Santhome High Road,
Foreshore Estate,
Chennai 600 004.
- 2.The District Registrar,
Office of the District Registrar,
Sivagangai District.
- 3.The Sub Registrar,
Office of the Registrar,
Madagupatti,
Sivagangai District.



WEB COPY



W.P(MD)No.27535 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.27535 of 2022

19.01.2023