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WP.No.11262 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11262 of 2024

E.Paneerselvam [Minor],
rep. by its natural Guardian &
Father Elumalai Gounder

.. Petitioner

Versus

1. The Inspector General of Registration [IGR],
Santhome High Road, Mylapore, Chennai – 600 028.
2. The Deputy Inspector General of Registration [DIGR],
Cuddalore, Cuddalore District.
3. The District Registrar [DR],
Sandaimedu, Tindivanam, Villupuram District.
4. The Sub Registrar,
Marakkanam, villupuram District.
5. E.Vembi

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari after calling for the concerned records in proceedings in Na.Ka.No.1040/Voo/2023 dated 24.04.2023 passed by the second respondent herein and to quash the same.



WP.No.11262 of 2024

WEB COPY

For Petitioner : Mr.M.Arumugam

For Respondents : Mr.B.Vijay
Additional Government Pleader – R1 to R4

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned proceeding of the second respondent in Na.Ka.No.1040/Voo/2023 dated 24.04.2023 directing the District Registrar to get another complaint in respect of the document sought to be cancelled by the fifth respondent.

3. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 4 and perused the materials available on record.

4. The case of the petitioner is that he purchased the subject property from one A.Indirani on 14.12.2016 by paying valuable consideration. It is his further case that as the fifth respondent is disturbing the possession of the



WP.No.11262 of 2024

petitioner, he had filed a suit in O.S.No.2 of 2022 on the file of the Additional District Munsif, Tindivanam. While so, the fifth respondent preferred complaint before the third respondent to cancel the sale deed executed in favour of the petitioner as his vendor has no share in the property. The fifth respondent after thorough enquiry has passed an Order dated 31.01.2023 stating that the sale deed executed in favour of the petitioner cannot be cancelled. As against which the fifth respondent has filed an appeal and the second respondent by an Order dated 24.04.2023 directed the third respondent to receive fresh petition from the fifth respondent and enquire the matter once again and enquire under section 77[A] of the Registration Act and pass Orders. It is the contention of the petitioner that the second respondent has no power conferred on him to pass such an Order. Hence, the present Writ Petition.

5. Originally the fifth respondent gave a complaint to cancel the registered sale deed based on the settlement deed executed on 19.04.1969. The District Registrar on thorough enquiry found that no complaint is made out. As against which an appeal has been filed before the second respondent. The second respondent while rejecting the appeal, directed the District Registrar to get a complaint either from the petitioner's family or from the fifth respondent and enquire under section 77A of the Registration Act. On the face



WP.No.11262 of 2024

of the complaint and the Order of the District Registrar, the appellate authority, indicate that the parties wanted to unsettle the settled things. The fifth respondent is challenging the document of the year 1969 on the ground that the properties have been sold claiming ownership of the property. There is no allegations, whatsoever, with regard to forgery. The dispute is only with regard to the rival parties claiming title over the property. In such view of the matter, this Court is of the view that registration authorities have no power to go into the title of the property. Hence, the Order impugned directing fresh enquiry under section 77A of the Registration Act is not sustainable in law and the same is liable to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned Order dated 22.04.2023 passed by the second respondent stands quashed. No costs.

25.04.2024

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



WP.No.11262 of 2024

To,

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WEB COPY



WP.No.11262 of 2024

N. SATHISH KUMAR, J.

vrc

W.P.No.11262 of 2024

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