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W.P.(MD)NO.785 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.785 of 2023 AND

W.M.P.(MD)Nos.770 of 2023 & 7759 of 2023

1. D.Thangaraj Pandian

2. M.Balaguru

... Petitioners

Vs.

1. The District Registrar(Admin),
Registration Department,
Ramanathapuram,
Ramanathapuram District.

2. The Sub Registrar,
Registration Department,
Mudhukulathur,
Mudhukulathur Taluk,
Ramanathapuram District.

3. The Inspector of Police,
Mudhukulathur police station,
Mudhukulathur,
Ramanathapuram District.

4. Durgadevi

5. A.Pushpavalli

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first respondent vide his proceedings in Na.Ka.No.672/Aa1/2022 dated 14.12.2022 and quash the same as arbitrary and illegal within a time frame as fixed by this Court.



For Petitioner : Mr.B.Prahalad Ravi
For R-1 & R-2 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.
For R-3 : Mr.A.Albert James,
Government Advocate.
For R-4 & R-5 : Mr.Rajakarthikeyan

* * *

ORDER

Heard both sides.

2. The fifth respondent herein is said to have executed a power of attorney in favour of Mohan in the year 2010. On the strength of the said power of attorney, a sale deed was executed in favour of the second petitioner Balaguru on 04.01.2011. It was registered as document No.70/2011 on the file of SRO, Mudhukulathur. Thereafter, the second petitioner sold the said property in favour of the first petitioner on 10.01.2017. It was registered as document No.127/2017 on the file of SRO Mudhukulathur. At this stage, the fourth respondent Durgadevi lodged a complaint before the District Registrar, Ramanathapuram for terming the said document as fraudulent. The application made by the fourth respondent was entertained and the impugned order dated



14.12.2022 was passed and both the document No.70 of 2011 as well as document No.127 of 2017 were characterised as fraudulent. Proper entries were directed to be made in the encumbrance register. Challenging the same, the present writ petition came to be filed.

3. There is one formidable point in favour of the petitioner. The impugned order came to be passed without notice to the first petitioner. In normal circumstances, I would have set aside the impugned order and remitted the matter to the first respondent for fresh consideration. But then, the fifth respondent from whom the petitioners derived title in their favour did not have patta in his favour. On the other hand, the learned counsel appearing for the fourth respondent has produced a copy of “A” Register in which it is seen that the petition mentioned land stands in the name of one Ganapathy. Ganapathy is none other than the father of Velmurugan. Velmurugan is none other than the father of the fourth respondent. It is also seen that the second petitioner Balaguru originally filed O.S.No.47 of 2011 and obtained ex-parte decree but it was subsequently set aside. Now the case has been re-numbered as O.S.No. 163 of 2017 on the file of the Sub Court, Mudhukulathur. The parties are locked in litigation. The impugned order can very well abide by the



outcome of the pending suit in O.S.No.163 of 2017 on the file of the Sub Court, Mudhukulathur. Granting liberty to the parties to work out their rights in the pending civil suit, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The District Registrar(Admin),
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Ramanathapuram,
Ramanathapuram District.
2. The Sub Registrar,
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Mudhukulathur Taluk,
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G.R.SWAMINATHAN,J.

PMU

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