



W.P(MD)No.1094 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.1094 of 2023

and

W.M.P.(MD)No.1009 of 2023

K.Pandiarajan @ Pandian

... Petitioner

Vs.

1.The Deputy Inspector General of Registration /
Appellate Authority,
O/o. Deputy Inspector General of Madurai,
Rajakambeeram, Y.Othakadai, Madurai District.

2.The District Registrar,
Karaikudi, Sivagangai District.

3.The Sub Registrar II,
Karaikudi, Sivagangai District.

4.R.Malaikolunthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.11342/A4/2021, dated 22.11.2022 confirming the same impugned order passed by the 1st respondent in his proceedings in Na.Ka.No. 7819/A4/20212, dated 29.08.2022 and quash the same as illegal.



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For Petitioner : Ms.H.Jasima Yasmin,
For M/s.Ajmal Associates
For R1 to R3 : Mr.C.Satheesh,
Government Advocate
For R4 : Mr.S.Muthukrishnan

ORDER

According to the petitioner, the land in Plot No.B111, Old S.No.241/4, New S.No.372/7 situated at Kalanivasal Village, Karaikudi, Sivagangai District originally belonged to one Nagasundaram, who in turn sold the same to one Padmini, vide registered sale deed dated 22.05.1992. Thereafter, the said Padmini sold the land in question to one Jeevanantham through registered sale deed dated 19.01.2012. From the date of purchase, the said Jeevanantham has been in possession and enjoyment of the land in question. While being so, the 4th respondent created false documents as if the said Nagasundaram sold the land in question to one Aathinarayanan, who in turn, sold the same to the 4th respondent and filed a suit in O.S.No.133 of 2012, which was dismissed by the learned Additional District Munsif, Karaikudi. On appeal in A.S.No.29 of 2017, the learned Subordinate Judge, Devakottai also dismissed the same, holding that the vendor of the 4th respondent was not a *bona fide* purchaser. Thereafter, for execution and registration of forged documents, a criminal complaint has been filed against the 4th respondent in Crime No.2 of 2013 on the file of the District Crime Branch, Sivagangai.



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2. When the matter stood thus, the 4th respondent executed a power of attorney in favour of one Ranjithkumar, vide Doc.No.2136 of 2019, dated 16.04.2019, who in turn, executed a sale deed in favour of the petitioner, vide Doc.No.2193 of 2019, dated 22.04.2019. In the meantime, the said Jeevanantham died. Therefore, his legal heirs made a representation to the 2nd respondent, seeking cancellation of the power of attorney deed and sale deed, based on the finding recorded by the civil Court in O.S.No.133 of 2012, which was confirmed in A.S.No.29 of 2017. On receipt of the said representation, the 2nd respondent directed the 3rd respondent to cancel the documents executed in favour of the petitioner and held that the said documents are not valid and for cancellation of the same, the parties have to approach the civil Court. In the meantime, the legal heirs of the said Jeevanantham executed a power of attorney dated 28.07.2021 in favour of the petitioner in respect of the land in question. However, challenging the direction of the 2nd respondent that the parties have to approach the civil Court, the petitioner has preferred an appeal before the 1st respondent, who in turn, vide order dated 29.08.2022, set aside that finding, noting that the second appeal is pending in SR stage and removed the remarks as to the cancellation of those two documents. Aggrieved by the same, the petitioner has filed a review application, in which the 1st respondent,



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vide order dated 22.11.2022, has confirmed his order dated 29.08.2022.

Challenging the same, the petitioner has filed this Writ Petition.

3.Heard the learned counsel on either side and perused the materials available on record.

4.At the outset, this Court is of the view that the finding of the 2nd respondent and the 1st respondent assumes insignificance. The validity of the documents will always subject to the result of the civil Suit. If the Second Appeal is dismissed, automatically, the finding with regard to the validity of the documents reaches finality. Thereafter, the petitioner can very well register the documents and the decree itself for better title.

5.With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

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To

- 1.The Deputy Inspector General of Registration /
Appellate Authority,
O/o. Deputy Inspector General of Madurai,
Rajakambeeram, Y.Othakadai, Madurai District.
- 2.The District Registrar,
Karaikudi, Sivagangai District.
- 3.The Sub Registrar II,
Karaikudi, Sivagangai District.



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N.SATHISH KUMAR, J.

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