



W.P(MD).No.4053 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.4053 of 2022

and W.M.P(MD).Nos.3471 and 3472 of 2022

Balamurugan

... Petitioner

Vs.,

1.The State of Tamil Nadu,
Rep., by the District Registrar,
Tirunelveli Registration District,
Tirunelveli.

2.The Sub Registrar,
Sub Registrar Office,
Kazhugumalai,
Thoothukudi District.

3.Mahalakshmi

4.Shamugasundaram

5.Lakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned sale deed in Doc No.809/2004 dated 26.04.2004 registered by the second respondent and quash the same as illegal and consequently direct the second respondent to delete all the entries pertaining to impugned sale deed in Doc No.809/2004 dated 26.04.2004 from the encumbrances certificate.



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For Petitioner : Mr.PM.Vishnuvarthanan

For Respondents : Mr.M.Siddarthan (For R1 & R2)

ORDER

This writ petition has been filed to quash the impugned sale deed in Doc No.809/2004 dated 26.04.2004 registered by the second respondent with consequential direction to the second respondent to delete all the entries pertaining to impugned sale deed in Doc No.809/2004 dated 26.04.2004 from the encumbrances certificate.

2. It is the grievance of the petitioner that the third respondent executed the sale deed dated 26.04.2004 including the share of the petitioner. Hence, the petitioner seeks to cancel the document.

3. At the outset, this Court is of the view that the Sub-Registrar has no power to go into the issue to decide the title. This aspect has been elaborately dealt by this Court in W.P.No.29706 of 2022 [*G.Rajasulochana Vs. Inspector General of Registration and others*]. Further, the Hon'ble Supreme Court in the case of *Satya Pal Anand v. State of M.P., reported in (2016) 10 SCC 767*.



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4. In view of above judgment, it is for the petitioner to file a suit before the appropriate competent civil Court to establish his right and not before the District Registrar.

5. With the aforesaid liberty to the petitioner, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.08.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

1.The District Registrar,
Tirunelveli Registration District,
Tirunelveli.

2.The Sub Registrar,
Sub Registrar Office,
Kazhugumalai,
Thoothukudi District.



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N.SATHISH KUMAR, J.

Rmk

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