



W.P(MD).No.4569 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.4569 of 2022

in W.M.P(MD).No.3836 of 2022

T.Alagar

... Petitioner

Vs.,

1.The Deputy Inspector General of Registration,
Registration Office,
Rajakambeeram, Y.Othakkadai,
Madurai.

2.The District Registrar,
Madurai South,
Madurai.

3.The Sub Registrar (South)
Sub Registrar Office,
Othakkadai,
Madurai District.

4.V.Karuppaiah

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the second respondent in Na.Ka.No.2639/Aa2/2021 dated 13.01.2022 and set aside the same as illegal and restore the same as earlier.



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For Petitioner : Mr.V.M.Jegadeesh Pandian
For Respondents : Mr.P.Subbaraj (for R1 to R3)
Special Government Pleader
Mr.M.Thirunavukkarasu(for R4)

ORDER

The writ petition has been filed challenging the impugned order holding that the document executed in favour of the petitioner dated 16.12.2020 was forged one and no further transaction should take place.

2. It is the case of the petitioner that he purchased the property on 16.12.2020 from one Sountharapandi, on the basis of the revenue records stands in the name his vendor. The complaint has been given by the fourth respondent to the District Registrar claiming that the said property belongs to him and only during the UDR scheme, the name of the Sountharapandi has been included in the revenue records and he has applied for change of revenue records. In this regard, the Tahsildar has also recommended. Hence, the Registrar has conducted an enquiry and passed the impugned order, without any valid material.

3. The transaction took place on the basis of the revenue records. Whether the revenue records has been changed during the UDR, it is for the fourth respondent to establish the same and the District Registrar has no power to go into



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the issue to decide the title by way of recommendation given by the Tahsildar.

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** has held that the “some irregularity in the procedure committed during the registration process would not lead to a fraudulent execution and registration of the document, but a case of mere irregularity. In either case, the party aggrieved by such registration of document is free to challenge its validity before the Civil Court.”

4. In such view of the matter, the order impugned in this writ petition in Na.Ka.No.2639/Aa2/2021, dated 13.01.2022, passed by the second respondent is set aside and accordingly, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

09.08.2024

NCC : Yes/No
Index : Yes/No
Rmk



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N.SATHISH KUMAR, J.

Rmk

To

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