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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.4631 of 2022
and
W.M.P(MD).No.3877 of 2022

G.Balamurugan ... Petitioner

Vs.,

1.The District Registrar (Administration)
The AIG of Registration
Tirunelveli District.

2.The Sub Registrar,
Thirukurunkudi,
Seranmadevi Taluk,
Tirunelveli District.

3.R.Hariharan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the recordings pertaining the impugned order passed by the first respondent dated 16.12.2021 by his proceedings in Na.Ka.No. 4713/E2/2020 and set aside the same as illegal.

For Petitioner : Mr.A.Chandrakumar

For Respondents : Mr.J.Jeyakumaran (for R3)
Mr.P.Subbaraj (for R1 & R2)
Special Government Pleader

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ORDER

This writ petition has been filed to quash the order passed by the first respondent dated 16.12.2021 by his proceedings in Na.Ka.No.4713/E2/2020.

2. It is the case of the petitioner that he purchased the property in Survey Nos.966/1B, 966/2B, 967/1B, 966/2B, 968/2, 969/1B, 970/2, 970/2, 971/2, 972/2 and 973/2 at North Veeravanallur Part I Village, Sheranmadevi Taluk, Tirunelveli District, from on Selvi, W/o.Manickam and he has been in possession and enjoyment of the said property. While that being so, the third respondent given a complaint as if the above transaction was fraudulent. On enquiry, the first respondent has passed the impugned order relegating the parties to the Civil Court.

3. At the outset, the order passed by the first respondent does not require any interference for the simple reason that the Registering Authority has no power to cancel any registered document. 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]*** and 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 Registering Authorities have no power to cancel the registered documents.

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4. In such view of the matter, this Court is not inclined to entertain this writ petition. Accordingly, this Writ Petition stands dismissed. The parties are at liberty to work out their remedy before the Civil Court. No costs. Consequently, connected miscellaneous petition is 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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W.P(MD)No.4631 of 2022

N.SATHISH KUMAR.J,

This matter is listed today under the caption 'For being mentioned' at the instance of the learned counsel appearing for the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3. Considering the submissions of the learned counsel for the petitioner, in paragraph No.4 of the order dated 09.08.2024, shall be read as follows:

> *"4. In the impugned order, the first respondent has given a finding that the document is a fraudulent and such finding has been recorded without any fundamental facts and therefore, the said finding stands quashed. Accordingly, this Writ Petition is partly allowed. The parties are at liberty to work out their remedy before the civil Court. No costs. Consequently, connected miscellaneous petition is closed."*

4. Registry is directed to carry out necessary corrections and issue fresh order copy to the parties.

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