



WP(MD). No.5426 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 09/08/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). Nos.5426 of 2022 and 20617 of 2023
and WMP(MD) Nos.4409 of 2022 & 17029 and 17030 of 2023

Singaram.R.M

... Petitioner in
both WPs.

Vs

1. The Principal Secretary to Government,
Revenue Department,
St. George Fort, Chennai.

(R1 is given up
Vide Court Order Dated 28.03.2022)

2. The District Registrar,
Trichy District, Trichy..

3. The Revenue Divisional Officer,
Trichy, Trichy District..

4. Anbazhagan. K,
Revenue Divisional Officer, Trichy.
Then Now Working as Pa to Collector
(General), Collectorate Theni, Theni District..

5. The Sub Registrar,
Keelasathanur Sub Registry, Trichy..



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6. The District Registrar,
(Administration), Trichy District..

7. Syed Abutahir,
S/o. Hamdul Bahza, No.11, 1st Street,
Sundar Nagar, Trichy..

... Respondents in
WP No.5426/2022

1. The Inspector General of Registration
Santhome High Road,
Chennai 600 028.

2. The Deputy Inspector General of Registration
Government of Multi Storey Building, Race Course Road
Kajamalai Colony, Tiruchirappalli District.

3. The District Registrar,
Trichy District, Trichy..

4. The Revenue Divisional Officer,
Trichy, Trichy District..

5. Syed Abutahir,
S/o. Hamdul Bahza, No.11, 1st Street,
Sundar Nagar, Trichy..

... Respondents in
WP No.20617/2023

PRAYER in WP(MD) No.5426/2022:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the order passed by the 3rd Respondent herein in D.Dis. No.4754/A1/2019 dated 27.11.2019 and quash the same as illegal and without jurisdiction.



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PRAYER in WP(MD) No.20617/2022:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 3rd respondent in Mu.Mu. 8222/A4/2021 dated 01.10.2021 and quash the same order of the 2nd respondent in Na.Ka.No.5693/E1/221 dated 03.02.2023 quash the same and consequently direct the 2nd and 3rd respondent not to interfere the Civil dispute between the petitioner and 5th respondent.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.P.Subbaraj for R1 to R4
Special Government Pleader

Mr.S.Sarvagan Prabhu for R5

COMMON ORDER

Challenge has been made to the impugned orders in both the writ petitions, which have been passed based on the complaint of the private respondent, whereby the Revenue Divisional Officer has directed the registering authority to cancel the document registered vide Doc Nos. 4219/2014 and 4220/2014. Pursuant to the said direction, the Deputy Inspector General of Registration has cancelled the document and passed an order holding that the document executed in favour of the petitioner is a fraudulent one and directed entries to be made in the encumbrance. Pursuant to the said order as well as the representation given by the 7th



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respondent, the impugned orders came to be passed.

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2. The facts in nutshell is that larger extent of landed property originally belong to one Meenachi Achi by way of purchase dated 20.11.2008. It is the case of the petitioner that they purchased the property from the legal heirs of Meenachi Achi, whereas the 7th respondent in WP(MD) No.5426/2022, the only power of attorney agent, traces the title from one Karuppiah in respect of one acre of land. It is to be noted that Karuppiah said to have purchased the said land under unregistered sale deed. The said Karuppiah has registered the property in favour of his son Manikandaraja on 18.11.2011. Thereafter on 23.10.2013 the power of attorney is registered in favour of the 7th respondent by the said Manikandaraja. Based on this right, the parties agitated before the District Registrar as well as the Revenue Divisional Officer. The Revenue Divisional Officer has gone into the issue and directed the District Registrar to cancel the document. The District Registrar on the basis of the report of the Revenue Divisional Officer as well as the representation made by the 7th respondent has passed a detailed order and decided the title.



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3. At the outset, this Court is of the view that the very order passed by both the authorities is beyond their jurisdiction. When the Revenue Divisional Officer has no right whatsoever to go into the title issue, he has given a direction to the authorities to cancel the registered document and further orders have been passed without notice to the petitioner. Be that as it may. Such order cannot be valid in the eye of law as the authorities have no power to go into the title issue. As far as the cancellation of the registered document, this Court has elaborately dealt with this issue in **G. Rajasulochana v Inspector General** made in W.P 29706 of 2024 dated 16.04.2024 following the Full Bench decision in **Satya Pal Anand v. State of M.P.[2016 10 SCC 767]**.

4. In view of the above, the writ petition is allowed and the impugned orders dated 27.11.2019 and 01.10.2021 are set aside. The parties agitate their rights before the civil Court. No costs. Consequently connected Miscellaneous Petitions are closed.

09.08.2024

RR

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TO

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N.SATHISH KUMAR,J

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**ORDER
IN
WP(MD) No.5426 of 2022 and 20617 of 2023**

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