



W.P.(MD)No.5267 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.5267 of 2022

C.Leela Ammal

... Petitioner

Vs

1. The District Registrar (Administration),
Tenkasi District, Tenkasi.

2. Mohanakrishnan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.1462/Aa2/2019, dated 16.11.2021 passed by the 1st respondent, quash the same and direct the 1st respondent to cancel the documents in No. 164/99 and No. 1287/2003, on the file of the Sub Registrar Office, Tenkasi.

For Petitioner

: Mr.N.C.Ashok Kumar

For Respondents

: Mr.C.Satheesh (R1)

Government Advocate

Mr.S.Meenakshisundaram (R2)

Senior Counsel

for Mr.M.Sengavijay



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ORDER

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This Writ Petition has been filed seeking a direction to the impugned order in Na.Ka.No.1462/Aa2/2019, dated 16.11.2021 passed by the 1st respondent, and to direct the 1st respondent to cancel the documents in No. 164/99 and No. 1287/2003, on the file of the Sub Registrar Office, Tenkasi.

2.Heard Mr.N.C.Ashok Kumar, the learned counsel appearing for the petitioner, Mr.C.Satheesh, learned Government Advocate appearing for the first respondent and Mr.S.Meenakshisundaram, learned Senior Counsel appearing for the second respondent. Perused the materials available on record.

3.It is the case of the petitioner that during UDR Survey, the property belongs to the petitioner was shown as if it belonged to her neighbour one Sankuthevan. Taking advantage of the same, her sons sold the property to the 2nd respondent without any title. The 2nd respondent also executed a gift deed in favour Panchayat. However, the petitioner is the owner of the property. In this regard, the petitioner gave a representation to the first respondent to cancel the documents. The 1st respondent vide impugned order relegate the parties to work out the remedy before the competent Civil Court. Hence, this petition has been filed.



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4. At the outset, this Court is of the view that the impugned order does not require any interference. Since the issue is squarely covered by the decision of this Court in ***G.Raja Sulochana v. Inspector General*** (WP No.29706 of 2024 dated 16.04.2024) and the decision of Hon'ble Supreme Court in ***Satya Pal Anand v. State of M.P.*** [2016 10 SCC 767] and that the authorities have no power to cancel the registration. It is for the petitioner to work out her remedy before the appropriate civil Court.

5. In view of the above, the writ petition is dismissed. No costs.

09.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To
1. The District Registrar (Administration),
Tenkasi District, Tenkasi.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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