



W.P.(MD)No.5133 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.5133 of 2023

O.Muniyandi

... Petitioner

versus

1. The Deputy Director General of Registration,
Rajakambiram,
Otthakadai,
Madurai – 625 107.

2. The District Registrar (Administration),
Registration Department,
Periyakulam,
Theni District.

3. The Sub Registrar,
Aandipatti,
Theni District.

4. Mookaiah

5. Bose

6. Thavasi

7. Chinna Perumal

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the



W.P.(MD)No.5133 of 2023

records pertaining to the impugned order passed by the 2nd respondent in his proceedings in NA.KA.No.3771/E2/2021 dated 25.01.2023 and quash the same as illegal and arbitrary and further direct the 2nd and 3rd respondent herein to cancel the forged documents in Document No.412 of 2011 and Document No. 2846 of 2012 on the file of the 3rd respondent office with regard to the petitioner's property in Survey No.309/3 to an extent of 1 Acre 28 cents situated Puliman Kombai Village, Andipatti Taluk, Theni District.

For Petitioner : Mr.G.Gomathi Sankar
For R1 to R3 : Mr.P.Subbaraj,
Special Government Pleader
For R4 to R7 : Mr.C.M.Mari Chelliah Prabhu

ORDER

This writ petition is filed as against the impugned order passed by the second respondent in Na.Ka.No.3771/E2/2021 dated 25.01.2023.

2. The case of the petitioner is that the land in Survey No.309/3 to an extent of 1 acre 28 cents situated in Puliman Kombai Village is the ancestral property. After the demise of his grandfather and father, he and his brother are in joint possession of the enjoyment of the property. While so, the 4th and 5th respondents have executed a sale deed in favour of the 7th respondent by



W.P.(MD)No.5133 of 2023

impersonating as if they are owners of the property. Therefore, the petitioner gave a complaint before the 2nd respondent seeking cancellation of sale deed executed by the respondents 4 and 5. The 2nd respondent, by the impugned proceedings dated 25.01.2023, rejected the request made by the petitioner. Challenging the same, the petitioner is before this Court.

3. The Registering Authority has no power to cancel any registered documents, as per the law laid down by the Hon'ble Supreme Court in ***Satya Pal Anand vs. State of Madhya Pradesh and others*** reported in (2016) 10 SCC 767 and also by this Court in ***G.Rajasulochana Vs. Inspector General of Registration and others (W.P.No.29706 of 2022)***. Therefore, this Court is of the view that the 2nd respondent has rightly rejected the request made by the petitioner.

4. It is submitted that the 6th respondent has filed a suit in O.S.No.110 of 2021 as against the petitioner and the same is pending before the District Munsif Court, Andipatti. Therefore, the petitioner shall establish his right in the suit in O.S.No.110 of 2021.



W.P.(MD)No.5133 of 2023

WEB COPY

5. Accordingly, this writ petition is dismissed. No costs.

29.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No.
ogy

To

1. The Deputy Director General of Registration,
Rajakambiram,
Otthakadai,
Madurai – 625 107.
2. The District Registrar (Administration),
Registration Department,
Periyakulam,
Theni District.
3. The Sub Registrar,
Aandipatti,
Theni District.



WEB COPY



W.P.(MD)No.5133 of 2023

N.SATHISH KUMAR, J.

ogy

W.P.(MD)No.5133 of 2023

29.08.2024