



WP(MD). No.8825 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 07/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.8825 of 2021 and 22378 of 2022
and WMP(MD) Nos.6640/2021 & 16554 and 16558 of 2022

Mani

... Petitioner in
both WPs

Vs

1. The District Registrar (Admn),
(in the Cadre of Assistant Inspector
General of Registration), Trichy ,
Trichy District.

2. S.Mydeen Batsha,
S/o.A.Sheik Mohammed , No.4, Seshadri
Nagar Extension, Gandhi Nagar , K.K.
Nagar , Trichy , Trichy District..

... Respondents in
both WPs.

PRAYER in WP(MD) No.8825/21:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records relating to the impugned order passed by the 1st Respondent in his proceedings in Mu.Mu.No.14108-1 / Aa4/2019 dated 29/01/2021 and quash the same.



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PRAYER in WP(MD) No.22378/22:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records relating to the impugned order passed by the 1st Respondent in his proceedings in Mu.Mu.No.14108-1 / Aa4/2019 dated 29/01/2021 and quash the same.

For Petitioner : M/s.Prahalad Ravi.B

For Respondents : Mr.C.Satheesh for R1
Government Advocate

Mr.N.Mohan for R2

COMMON ORDER

Challenge has been made to the impugned order dated 29.01.2021 in and by which the 1st respondent had called the petitioner for an enquiry.

2. It is the case of the petitioner that originally the 2nd respondent has given a complaint before the District Registrar based on the circular issued by the authorities. The allegation was to the effect that the petitioner has purchased the property forging the revenue records. The case of the 2nd respondent before the District Registrar is that the property originally owned by Abdul Jafar and after his demise, his legal heir sold



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the property in their favour on 22.06.2008. After the said sale, the petitioner has purchased the property in the year 2010 suppressing the original patta stood in the legal heir. Hence, a complaint has been given before the District Registrar. The District Registrar based on the circular issued, entertained the complaint and originally passed orders relegating the parties to approach the civil Court. This order has been passed on 15.12.2020. Thereafter another/revised impugned order has been passed based on the telephonic conversation received from the Information Commissioner and one paragraph has been incorporated recording that the revenue records relied upon by the writ petitioner has been suppressed and sale has been effected. Not stopping with that once again the earlier order dated 15.12.2020 has been retained and document has been cancelled. Therefore, the writ petitions came to be filed challenging the impugned order dated 29.01.2021 and subsequent order dated 12.02.2021.

3. I have considered the rival submissions and perused the materials available on record.



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4. As far as entertaining the application to cancel the document by the registering authority is concerned, prior to introduction of Section 77A of the Registration Act, 1908, the Apex Court in ***Satya Pal Anand v. State of M.P.*** [2016 10 SCC 767] has clearly held that the registering authority has no power to go into the aspect of disputed title. This Court in **G.Rajasulochana Vs. Inspector General of Registration and others** has also held that the circular issued under Section 68 cannot be held to be valid in the eye of law for the simple reason that Section 68 of the Registration Act has dealt with by the subordinate officer of the registering authority. Therefore, entertaining such a complaint based on the circular and cancelling the document cannot be sustained in the eye of law.

5. Even Section 77 A is introduced also later struck down by this Court in W.P.No.10291 of 2022 batch. With regard to the cancellation of the document, this Court has elaborately held in **W.P.No.29706 of 2022 [G.Rajasulochana Vs. Inspector General of Registration and others]**. The parties have to approach the civil Court to establish their rights. Based on the telephonic conversation from the information commission,



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orders came to be passed. It is to be indicated here that it is a classic case of how the quasi judicial functions have been exercised by the Sub Registrar. Hence, the impugned order cannot be sustained in the eye of law. It is also stated by the petitioner that the suit filed by him in OS No. 234/2010 for permanent injunction is also dismissed. Appeal also dismissed.

6. For all these reasons, the writ petitions are allowed and the impugned order is set aside. No costs. Consequently connected Miscellaneous Petitions are closed.

07.08.2024

NCC : Yes/No
Index : Yes/No

RR

TO

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N.SATHISH KUMAR,J

RR

**ORDER
IN**

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