



W.P(MD)No.7968 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.7968 of 2023

and

W.M.P.(MD)No.7345 of 2023

Murugan

... Petitioner

Vs.

1.The District Registrar (Administration),
Madurai North, Madurai.

2.Ranjitham

... Respondents

PRAYER: 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 pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.7529/A2/2022, dated 13.12.2022 and quash the same as illegal, arbitrary and without jurisdiction and consequently, to direct the 1st respondent to drop all further proceedings pertaining to the representation made by the 2nd respondent for cancellation of the document.

For Petitioner : Mr.R.Aravindan

For R1 : Mr.P.Subbaraj,
Special Government Pleader



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ORDER

Challenge has been made to the notice of the 1st respondent dated 13.12.2022, directing the petitioner to appear for enquiry based on the complaint given by the 2nd respondent.

2.It is the case of the petitioner that he purchased the property in Door No.31, Loordhunagar 7th Street, K.Pudur, Madurai from the 2nd respondent through her power of attorney through registered sale deed dated 18.08.2002. From the date of purchase, the petitioner has been in possession and enjoyment of the same. In such circumstances, the 1st respondent issued the notice dated 13.12.2022, directing the petitioner to appear for enquiry for cancellation of the sale deed dated 18.08.2002 based on the representation made by the 2nd respondent. Challenging the same, the petitioner has filed this Writ Petition.

3.This Court is of the view that merely because a person has raised some title dispute, it cannot be a ground to cancel the document already registered. The very Section 77(A) inserted under Registration Act is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. Further, the Registrar has no power to cancel the document already registered



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as per *Satya Pal Anand v. State of M.P.[2016 10 SCC 767]* and *G.*

Rajasulochana v Inspector General made in *W.P 29706 of 2024* dated
16.04.2024.

4.In view of the above settled position of law, the impugned enquiry notice of the 1st respondent dated 13.12.2022 is quashed and this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

The District Registrar (Administration),
Madurai North, Madurai.



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N.SATHISH KUMAR, J

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