



W.P(MD)No.8125 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.8125 of 2023

and

W.M.P.(MD)Nos.7504 & 7505 of 2023

N.Syed Tajudeen Madhani

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
O/o.Deputy Inspector General,
Rajakambeeram, Y.Othakadai,
Madurai.

2.The District Registrar,
Madurai North, Madurai.

3.Pappu @ Papammal
4.Periyakaruppan

5.The Tahsildar,
Madurai South Taluk, Madurai District.

6.The Revenue Divisional Officer,
Melur, Office at Narasingampatti,
Madurai District.

... Respondents

(R5 & R6 are impleaded vide Court order dated 21.06.2023)

PRAYER: 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 pertaining



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to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.2774/Aa4/2022, dated 25.07.2022 and quash the same as illegal.

For Petitioner : Mr.S.Mahesh Babu
For R1, R2, R5 : Mr.C.Satheesh,
& R6 Government Advocate
For R3 : Mr.S.Sankar
For R4 : No Appearance

ORDER

Heard both sides.

2.It is the case of the petitioner that the land in S.No.32/2 in Ramankulam Village, Kosavankundu Panchayat, Madurai South Taluk, Madurai District, was originally belonged to the 4th respondent. He sold the land in question to one Arunachalam Pillai and his wife Saraswathi, from whom the petitioner along with Ghouse Navas and Abuthahir purchased the land in question and sold the same by converting into 68 house site plots. In such circumstances, since there is a dispute between the 4th respondent and the 3rd respondent, who is the sister of the 4th respondent, the 3rd respondent filed O.S.No.279 of 2005 before the District Munsif, Madurai. She has also filed a complaint before the 2nd respondent, seeking cancellation of the sale deed



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executed by the 4th respondent in favour of the petitioner's vendor. The 2nd respondent, vide order dated 11.03.2022, rejected the request of the 3rd respondent, stating that he cannot interfere with the title dispute, since the suit is pending between the parties. However, on appeal by the 3rd respondent, the 1st respondent, vide order dated 25.07.2022, restrained the Sub Registrar from entertaining any document based on the document executed in favour of the petitioner's vendor. 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. Further, 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. That apart, the registering authority has now power to go into the title dispute, which has to be established in the manner known to law before the civil Court 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.*



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4.In view of the above settled position of law, the impugned order of the 1st respondent dated 25.07.2022 is quashed and this Writ Petition is allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2024

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

To

- 1.The Deputy Inspector General of Registration,
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Rajakambeeram, Y.Othakadai,
Madurai.
- 2.The District Registrar,
Madurai North, Madurai.
- 3.The Tahsildar,
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N.SATHISH KUMAR, J

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