



W.P(MD)No.8264 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.8264 of 2023

and

W.M.P.(MD)No.7608 of 2023

S.Sivaganesh

... Petitioner

Vs.

1.The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate, Pattinappakkam,
Chennai-600 028.

2.The District Registrar (Administration),
Tenkasi.

3.The Joint Sub Registrar No.2,
Tenkasi.

4.B.Sumathi

... 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 enquiry notice dated 27.03.2023 in Na.Ka.No.792/Aa2/2023 issued by the 2nd respondent and quash the same and consequently, forbearing the 2nd respondent from conducting any enquiry in pursuance of the impugned enquiry notice for cancellation of the registered sale deed dated 20.09.1996 bearing Document No.1693/1996 and the registered settlement deed dated 18.12.2018 bearing Document No.4795 of 2018.



W.P(MD)No.8264 of 2023

For Petitioner : Mr.J.Barathan
For R1 to R3 : Mr.P.Subbaraj,
Special Government Pleader
For R4 : Mr.S.Devarajan

ORDER

Challenge has been made to the notice of the 2nd respondent dated 27.03.2023, directing the petitioner to appear for enquiry based on the complaint given by the 4th respondent.

2.It is the case of the petitioner that his father had purchased the properties in Survey Nos.911/2A and 911/2B in Kuthukkal Valasai Village, Tenkasi District from one Subbiah, who is the power agent of legal heirs of one Ramaiah Nadar through a registered sale deed dated 20.09.1996. Subsequently, the father of the petitioner had settled the properties in favour of the petitioner through registered settlement deed dated 18.12.2018. Since then the petitioner has been in possession and enjoyment of the properties in question. In such circumstances, the 2nd respondent issued an enquiry notice dated 27.03.2023, directing the petitioner to appear for enquiry for cancellation of the registered sale deed dated 20.09.1996 and settlement deed dated 18.12.2018, based on



W.P(MD)No.8264 of 2023

complaint given by the 4th respondent, stating that she is the daughter-in-law of one Arumuga Nadar, who is the son of Ramaiah Nadar and the legal heirs of Ramaiah Nadar had sold the properties fraudulently. 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 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 2nd respondent dated 27.03.2023 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

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W.P(MD)No.8264 of 2023

To

- 1.The Inspector General of Registration,
Door No.100, Santhome High Road,
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- 2.The District Registrar (Administration),
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- 3.The Joint Sub Registrar No.2,
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W.P(MD)No.8264 of 2023

N.SATHISH KUMAR, J

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W.P(MD)No.8264 of 2023

29.08.2024