



W.P(MD)No.8847 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.8847 of 2023

and

W.M.P.(MD)Nos.8070 & 14752 of 2023

S.Maruthupandian

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
At Integrated Complex of Registration Department,
St.Marks Street, Near Sankar Colony,
Palayamkottai, Tirunelveli-627 002.

2.The District Registrar,
Tirunelveli, Tirunelveli District.

3.The District Registrar (Administration),
Tenkasi, Tenkasi District.

4.The Sub Registrar,
Melanellithanallur, Tenkasi District.

5.The Sub Registrar,
Gangaikondan, Tirunelveli District.

6.Seetharaman

7.Pappa

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, calling for the records relating



W.P(MD)No.8847 of 2023

to the impugned order passed by the 3rd respondent in Na.Ka.No.2589/A2/2022, dated 15.12.2022 and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick
For R1 to R5 : Mr.P.Subbaraj,
Special Government Pleader
For R6 & R7 : Mr.H.Lakshmi Shankar

ORDER

According to the petitioner, the property in Survey No.282/2 to an extent of 2 acres 74 cents situated at Ko.Maruthappapuram Village, Sankarankovil Taluk, Tenkasi District originally belonged to one Subramania Pillai, from whom one Muthupandian had purchased the property in question through a registered sale deed dated 14.08.2019. From the said Muthupandian, the petitioner has purchased the property in question through a registered sale deed dated 24.01.2022. From the date of purchase, the petitioner is in possession and enjoyment of the property in question. While being so, the 6th respondent fraudulently executed a sale deed dated 02.02.2022 as if he is the owner of the property in question and sold the same to the 7th respondent. After knowing about the fraudulent sale deed, the petitioner made a complaint before the 2nd respondent to cancel the said fraudulent deed dated 02.02.2022. After enquiry, the 2nd respondent, vide order dated 22.07.2022 declared that the sale deed is fraudulently executed.



W.P(MD)No.8847 of 2023

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2.Challenging the same, the 7th respondent preferred an appeal to the 1st respondent and the same is still pending. In the meantime, she gave a petition to the 3rd respondent to cancel the sale deed executed in the name of the petitioner's vendor and the petitioner dated 14.08.2019 and 24.01.2022 respectively. After conducting enquiry, the 3rd respondent, vide his proceedings dated 07.12.2022, dismissed the said petition, directing the 7th respondent to approach the competent civil Court. Thereafter, the 3rd respondent *suo motu* passed an order dated 15.12.2022, cancelling the documents dated 14.08.2019 and 24.01.2022. Challenging the same, the petitioner has filed this Writ Petition.

3.Heard the learned counsel on either side and perused the materials available on record.

4.On perusal of the entire facts, this Court is of the view that whether there was an impersonation or the executant, namely, Subramania Asari was alive or not, has to be proved by adducing evidence before the civil Court. The registering authorities have no power to cancel the documents already registered, as the very Section 77(A) inserted under Registration Act is struck



W.P(MD)No.8847 of 2023

down by the Division Bench of this Court in W.P.No.10291 of 2022 batch.

That apart, the issue of title and fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court in view of the decisions rendered in the case of ***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.

5.In such view of the matter, the petitioner is directed to approach the civil Court and establish the title with regard to his purchase. It is made clear that in the event of filing any such suit, the civil Court shall decide the same independently on the basis of the evidence and documents adduced before the civil Court and the finding of the District Registrar will not be binding on the civil Court.

6.With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

17.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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W.P(MD)No.8847 of 2023

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W.P(MD)No.8847 of 2023

N.SATHISH KUMAR, J.

Yuva

W.P(MD)No.8847 of 2023

17.10.2024