



W.P.(MD)No.10252 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.10252 of 2022
and W.M.P.(MD)No.7280 of 2022

S.Kamaraj

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Combined Registration Office Campus,
Rajakambeeram, Thiruvathavur Road,
Rama Krishna Nagar, Y- Othakadai,
Madurai District - 625 107.

2.The District Registrar,
Virudhunagar District, Virudhunagar.

3.The Sub – Registrar,
Aruppukkottai, Virudhunagar District.

4.Alagar

5.Seenivasan

6.Karikalan

7.Rajaguru

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to



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dispose the petitioner appeal, dated 30.04.2022 which has been filed against the 2nd respondent order in Na.Ka.No.1913/AA4/2021, dated 27.01.2022 and pass such further or other orders.

For Petitioner : Mr.H.Murugappan
For Respondents : Mr.C.Satheesh,
Government Advocate for R1 to R3

ORDER

This Writ Petition has been filed seeking direction to 1st respondent to dispose the petitioner's appeal, dated 30.04.2022 which has been filed against the 2nd respondent order in Na.Ka.No.1913/AA4/2021, dated 27.01.2022.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

3. It is the case of the writ petitioner that originally the subject property was a trust property viz., Ponnayan Pandithan Trust, which was created by Ponnayan Pandithan, who is the brother of the petitioner's grandfather. After the death of Ponnayan Pandithan, the subject property was came to the petitioner's



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grandfather viz., Kanthan Pandithan. Since there is a dispute between the legal heirs of Kanthan Pandithan and others, the petitioner and other legal heirs of Kanthan Pandithan filed a suit in O.S.No.91/2015 before the District Munsif Court, Aruppukottai, against four persons, who also claimed ownership of the subject property and the same is pending. The respondents 4 to 7 neither legal heirs of deceased Ponnayan Pandithan nor parties in the aforesaid civil suit, registered a sale deed with connivance of the third respondent. Therefore, the petitioner made a representation to the respondents, seeking to cancel the sale deed. Thereafter, the 2nd respondent passed an order in Na.Ka.No.1913/AA4/2021, dated 27.01.2022 rejecting the claim of cancellation of the aforesaid forged sale deed and also relegated the parties to the civil Court. As against the said order, the petitioner filed an appeal before the 1st respondent dated 30.04.2022. Since the same is not disposed of till date, the petitioner has filed this writ petition.

4. The respondents have not filed their counter affidavit.

5. Considering the facts and circumstances of the case, this Court is of the view that though the petitioner seeks for a direction to dispose of the appeal, the very direction will not serve any purpose, as the Registering Authority has no



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power to decide the title as well as to cancel the document. All these facts cannot be looked into by the authorities and the same has to be agitated before the civil Court.

6. With the above observations, this Writ Petition is dismissed. It is for the petitioner to work out his remedy before the civil Court. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

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