



W.P(MD)No.9446 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.9446 of 2023

and

W.M.P.(MD)Nos.8435 & 8438 of 2023

P.Anbu Selvi

... Petitioner

Vs.

1.The District Registrar,
Integrated Registration Office,
Rajakambeeram Y.Othakadai,
Madurai District.

2.K.Alagarsamy

... 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 notice dated 20.02.2023 proceeding in Na.Ka.No.4686/Aa4/2022 and quash the same and to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's property in Survey No.346/6 of Thenkarai Village, Periyakulam Taluk, Theni District and for such other reliefs, within a period stipulated by this Court.

For Petitioner : No Appearance

For R1 : Mr.C.Satheesh,

Government Advocate



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ORDER

Challenge has been made to the notice of the 1st respondent dated 20.02.2023, 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 she purchased the property in Survey No.346/6 to an extent of 41 cents situated at Thenkarai Village, Periyakulam Taluk, Theni District from one Pandiyan, who is the power agent of one M.Rajakumaran @ Rajamani through registered sale deed dated 30.04.2013. Thereafter, the petitioner sold the properties in question to various persons by dividing the same. In such circumstances, the District Registrar, Periyakulam sent an enquiry notice to the petitioner to appear for enquiry for cancellation of the sale deed executed by the petitioner, based on the complaint given by the 2nd respondent, stating that his father is the real owner of the property in question. The petitioner appeared for enquiry and the District Registrar, Periyakulam, after conducting a detailed enquiry, dismissed the case, directing the 2nd respondent to approach the civil forum. Aggrieved by the same, the 2nd respondent filed an appeal before the 1st respondent. Pursuant to the same, the 1st respondent issued an enquiry notice dated 20.02.2023,



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directing the petitioner to appear for enquiry. 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 1st respondent dated 20.02.2023 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

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N.SATHISH KUMAR, J

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To

The District Registrar,
Integrated Registration Office,
Rajakambeeram Y.Othakadai,
Madurai District.

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