



WP(MD). No.10400 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 20/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.10400 of 2023
and WMP(MD) Nos.9486 and 9487 of 2023

Dharmaraj

... Petitioner

Vs

1. The District Registrar,
Administration, Thanjavur, Thanjavur District.

2. The Joint Sub Registrar No.I,
Thanjavur, Thanjavur District.

3. S.Kalimuthu,
S/o.Saminathan, No.10, Nadar Street,
Thulukkampatti, Enathukkanpatti Post,
Thanjavur District..

4. R.Arockiyadas,
S/o.Rajamanicka Nadar, No.100/353,
Mullai Street, New Housing Board,
Thanjavur, Thanjavur District.

... 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 relating to the impugned order passed by the 1st



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respondent vide his proceedings No.Mu.Mu.No.1306/A2/2022 dated 29.11.2022 and quash the same as illegal and consequently forbear the respondents 3 and 4 from disturbing the peaceful possession of the petitioner in Sy.No.168/7A, 168/7D situated at Nachikottai Road, Thanjavur.

For Petitioner : M/s. Rajesh.R,
For Respondent : Mr.M.Siddharthan for R1&R2
Additional Government Pleader
Mr.K.M.Karunakaran for R3&R4

ORDER

The writ petition has been filed challenging the impugned order of the 1st respondent dated 29.11.2022 and consequently forbear the respondents 3 and 4 from disturbing the peaceful possession of the petitioner in Sy.No.168/7A, 168/7D situated at Nachikottai Road, Thanjavur.

2. The petitioner purchased the subject property and the same was registered with the 2nd respondent and mutation was also effected. While so, the respondents 3 and 4 trespassed into the properties and made a complaint to the 1st respondent to cancel the documents, which is executed by one Pakkirisamy and it is a prime document. On the said



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complaint, the impugned order came to be passed directing the 2nd respondent not to register any document by citing the document No. 1916/1999.

3. I have considered the rival submissions and perused the materials available on record.

4. At the outset, this Court is of the view that without any foundational facts, the District Registrar has gone into the issue of title. Further as per the law laid down in *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*, fraudulent transaction cannot be gone into by the authorities and cancel the document, which has to be established in the manner known to law before the civil Court. Accordingly, the impugned order is quashed and the writ petition is allowed. No costs. Consequently connected Miscellaneous Petitions are closed.

20.09.2024

RR

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N.SATHISH KUMAR,J

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**ORDER
IN
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