



W.P.(MD)No.10203 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.10203 of 2023
and WMP(MD) Nos.8987, 8991 and 8995 of 2023

1. S.Jesuraj

2. A.Maria Ananthi

... Petitioners

Vs

1. The District Registrar (Administration),
(In the Cadre of Assistant Inspector General of Registration)
Integrated Building of Registration Department,
Collector Campus, Velunatchiar Complex,
Dindigul – 624 064.

2. The Joint Sub Registrar No.II,
Dindigul, Dindigul District.

3. T.Venkatesan

4. S.Marivel

5. Kalpana Devi

6. Chandrasekharan

7. A.James

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in Na.Ka. No.2449/Aa3 Aa/2022, dated 08.07.2022 and quash the same as illegal.

For Petitioners : Mr. J.Lawrance

For Respondents : Mr.C.Satheesh (R1,R2)
Government Advocate

Mr.S.Sarvagan Prabhu (R3)

ORDER

This Writ Petition has been filed challenging the impugned order passed by the 1st respondent in his proceedings in Na.Ka. No.2449/Aa3 Aa/2022, dated 08.07.2022 as illegal.

2.Heard the learned counsel appearing for the petitioners, learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent. Perused the materials on record.

3. It is the case of the petitioners that the petitioners have purchased the property through the power agent of the 3rd respondent. Based on the complaint given by the 3rd respondent, the sale deeds executed in favour of the petitioners in respect of properties in S.No.79/9 had been cancelled by the



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registering authorities. For to cancel a document, both parties had to register the same. However, the same was cancelled by the registering authorities.

4.It is further stated by the petitioners that earlier the third respondent has filed a suit in O.S.No.292 of 2010 before the Additional District Munsif Court, Dindigul seeking for cancellation of sale deeds. However, during the proceedings, he allowed the suit dismissed for default. Thereafter, no challenge has been made against that order. Without filing any appeal, the third respondent has filed a complaint before the authorities to cancel the documents and the same is also cancelled. Hence, this writ petition has been filed.

5.At the outset, the registering authorities cannot go into the cancellation of document once it is registered. They cannot exercise its power to cancel the document, which was registered. Since the issue is squarely covered by the decision of this Court in ***G.Raja Sulochana v. Inspector General*** (WP No. 29706 of 2024 dated 16.04.2024) and the decision of Hon'ble Supreme Court in ***Satya Pal Anand v. State of M.P.[2016 10 SCC 767]*** and that the authorities have no power to cancel the registration. It is for the parties to work out their remedy before the appropriate civil Court.



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6. In view of the above, this writ petition is allowed. the impugned order passed by the 1st respondent in his proceedings in Na.Ka. No.2449/Aa3 Aa/2022, dated 08.07.2022 is set aside. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.10.2024

NCC : Yes/No
Index : Yes/No
PNM

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2. The Joint Sub Registrar No.II,
Dindigul, Dindigul District.

3. The Assistant Engineer,
Tamil Nadu Electricity Board,
Surulipatti, Theni District.



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N.SATHISH KUMAR, J.

PNM

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