



WP(MD). No.12778 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 24/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.12778 of 2023
and WMP(MD) Nos.10786 and 10787 of 2023

Shree Devi V.S

... Petitioner

Vs

1. Deputy Inspector General Of Registration,
Office of the Deputy Inspector General of Registration,
Ramnad Zone, Vandikaran Salai, Ramnad.

2. The District Registrar,
Office of the District Registrar,
Virudhunagar District.

3. Sub-Registrar,
Sub-Registration Office, Sivakasi,
Virudhunagar District.

4. Rajkumar.R,
S/o Ramar, 82, Kaspal Palayapatti, Malli
Village, Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st



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respondent in his proceedings Na.Ka.No. 727/A1/2023 dated 17.03.2023 confirming the order passed by the 2nd respondent in his proceedings Na.Ka.No. 1142/A4/2022 dated - nil- 07.2022 signed on 27.07.2022 and to quash the same and consequentially directing the respondents 1 to 3 to cancel the documents viz., sale deed dated 18.09.1971 in Doc.No. 2473/1971, General Power of Attorney dated 08.12.2008 in Doc.No. 4.1044/2008, Sale deed dated 08.12.2008 in Doc.No.8949/2008 and sale deed dated 19.08.2021 in Doc.No.7357/2021.

For Petitioner : M/s. Jessi Jeeva Priya P,

For Respondent : Mr.C.Satheesh for R1 to R3
Government Advocate

Mr.S.M.Anantha Murugan for R4

ORDER

The writ petition has been filed challenging the impugned order of the 1st respondent dated 17.03.2023 and to direct the directing the respondents 1 to 3 to cancel the documents viz., sale deed dated 18.09.1971 in Doc.No.2473/1971, General Power of Attorney dated 08.12.2008 in Doc.No.4.1044/2008, Sale deed dated 08.12.2008 in Doc.No.8949/2008 and sale deed dated 19.08.2021 in Doc.No. 7357/2021.



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2. It is the case of the petitioner that she has given a complaint before the 2nd respondent to cancel the document executed by the private respondent. It is her case that a suit was originally filed by one Ramasamy against one Pasupathy for recovery of money in OS No. 45/1971. During the pendency of the money suit, the judgment debtor has sold the property to one Ramalakshmi on 13.09.1971. Thereafter, the property was brought in Court auction and sold in a Court auction on 23.09.1972. One Subbiah has purchased the property in the Court auction and petitioner has purchased the property from the said Subbiah. In the meanwhile, in the year 2008, Ramalakshmi obtained power of attorney from the legal heirs of the original owner Pasupathy and dealt with the property. Therefore, the petitioner has given a complaint to cancel the document. However, the 2nd respondent has rejected the claim of the petitioner relegating the parties to approach the civil Court. On appeal, the first respondent has confirmed the said order. Challenging the same, the petitioner is before this Court.

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



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4. At the outset, this Court is of the view that the order impugned does not require any interference. It is seen that 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. The issue is with regard to title. As the authorities have no power to go into the title issue, they have no power to cancel the documents as per 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***. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

24.09.2024

RR

TO

1. Deputy Inspector General Of Registration,
Office of the Deputy Inspector General of Registration,
Ramnad Zone, Vandikaran Salai, Ramnad.

2. The District Registrar,
Office of the District Registrar,
Virudhunagar District.

3. Sub-Registrar,
Sub-Registration Office, Sivakasi,
Virudhunagar District.

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N.SATHISH KUMAR,J

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