



WP(MD). No.12582 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 09/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.12582 and 12583 of 2022
and WMP(MD) Nos.8917, 8921 and 8922 of 2022

Veerapathiran P

... Petitioner in
WP No.12582/2022

J.Victor Thangadurai

... Petitioner in
WP No.12583/2022

Vs

1. The District Registrar,
Madurai South,
District Registrar Office,
Palace Road,
Madurai-625001..

2. The Sub-Registrar Office,
O/o. the Sub Registrar, Kallikudi Sub
Registrar Office, Kallikudi Taluk,
Madurai District..

3. The Executive Officer,
Arulmigu Kalyana Sundareswarar Temple,
Avaniyapuram, Madurai District..

... Respondents in
both WPs.

PRAYER in WP No.12582:- Writ Petition filed under Article 226 of
the Constitution of India, praying this Court to issue a Writ of



WP(MD). No.12582 of 2022

Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.3712/A2/2022 dated 16.05.2022 on the file of the Respondent No.1 and quash the same as illegal in so far as petitioners is concern and consequently forbear the respondent No.1 and 2 from cancelling the Registered Sale deed in Document No.830/2022 dated 22.03.2022 and document No.1014/2022 dated 07.04.2022 registered before the respondent No.2 pertaining to the property purchased by the petitioner in S.No.277/1A, 277/1C, 277/1B at K.Vellakulam Bit-2 village, Kallikudi, Taluk, Madurai District.

PRAYER in WP No.12583:- 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 order in Na.Ka.No.3712/A2/2022 dated 16.05.2022 on the file of the Respondent No.1 and quash the same as illegal in so far as petitioners is concern and consequently forbear the respondent No.1 and 2 from cancelling the Registered Sale deed in Document No.1072/2022 dated 13.04.2022 registered before the respondent No.2 pertaining to the property purchased by the petitioner in S.No.277/1B at K.Vellakulam Bit-2 village, Kallikudi, Taluk, Madurai District.

For Petitioners : M/s.Rajasekar.S,
For Respondents : Mr.S.Manohar for R3
Mr.P.Subbaraj for 1 & R2
Special Government Pleader



WP(MD). No.12582 of 2022

COMMON ORDER

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Challenge has been made to the notices issued by the first respondent dated 16.05.2022, in and by which, the petitioner was directed to appear for an enquiry under Section 77 of the Registration Act, 1908 on the basis of the complaint given by the third respondent herein.

2. The petitioners purchased the property in question on 07.04.2022, 22.03.2022 and 13.04.2022 respectively from the third respondent and the documents have also been registered. However, it is the contention of the third respondent that the lands belonging to the third respondent have been fraudulently registered. After receipt of complaint, notice has been issued to the petitioner for enquiry.

3. It is seen that inserted under Registration Act is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 etc. batch. Hence, the registering authority has no power to go into the disputed title. Therefore, the enquiry notice is liable to be interfered with. Accordingly, the writ petitions are disposed of. It is for the third



WP(MD). No.12582 of 2022

respondent to establish their right before the competent civil Court. No costs. Consequently connected Miscellaneous Petitions are closed.

09.08.2024

NCC : Yes/No
Index : Yes/No

RR

TO

1. The District Registrar,
Madurai South, District Registrar
Office, Palace Road, Madurai-625001..
2. The Sub-Registrar Office,
O/o. the Sub Registrar, Kallikudi Sub
Registrar Office, Kallikudi Taluk,
Madurai District..



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WP(MD). No.12582 of 2022

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) Nos.12582 and 12583 of 2022**

Date : 09/08/2024