



W.P(MD)No.11669 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.11669 of 2023

and

W.M.P.(MD)Nos.10131 & 10132 of 2023

K.T.Nagaraj

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Periyakulam, Theni District.

2.The Joint-I Sub Registrar,
Joint-I Sub Registrar Office,
Periyakulam, Theni District.

3.S.Jeyachandran

4.S.Indirani

... 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 show cause notice issued by the 1st respondent in Na.Ka.No.1327/E2/2023, dated 12.04.2023 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently, forbearing the respondents 1 and 2 and their officials not to cancel the sale deed of the petitioner vide Document No.1669/2021, dated 12.07.2021 pending on the file of the 2nd respondent.



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For Petitioner : Mr.T.Wins
For R1 & R2 : Mr.P.Subbaraj,
Special Government Pleader
For R3 : No Appearance
For R4 : Mr.S.C.Herold Singh

ORDER

Challenge has been made to the show cause notice of the 1st respondent dated 12.04.2023.

2.It is the case of the petitioner that the property in S.No.2466/3 situated at Thamaraikulam Village, Periyakulam Taluk, Theni District originally belonged to the father of the 3rd respondent and during his life time, he bequeathed all his properties in favour of his two sons through a registered Will dated 05.08.2016. After his death, the Will came into force and therefore, the 3rd respondent sold the property in question in favour of the petitioner through registered sale deed dated 12.07.2021. Since then the petitioner is in possession and enjoyment of the same. In such circumstances, the 4th respondent, who is none other than the mother of the 3rd respondent, made a complaint to the 1st respondent, seeking cancellation of the sale deed dated 12.07.2021, due to some misunderstanding between them. Pursuant to the



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same, the 1st respondent issued the show cause notice dated 12.04.2023.

Challenging the same, the petitioner has filed this Writ Petition.

3.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. That apart the registering authority has no power to cancel the document already registered, in view of the order passed 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.***

4.In view of the above settled position of law, the impugned show cause notice of the 1st respondent dated 12.04.2023 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

Yuva



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N.SATHISH KUMAR, J

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To

- 1.The District Registrar,
District Registrar Office,
Periyakulam, Theni District.
- 2.The Joint-I Sub Registrar,
Joint-I Sub Registrar Office,
Periyakulam, Theni District.

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