



W.P(MD)No.12893 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.12893 of 2023

and

W.M.P.(MD)Nos.10921 & 10922 of 2023

1.M.V.Muthu
2.Jeeva
3.M.Rakkammal
4.Santhi
5.Panneerselvam
6.Ganesan
7.Boomayil
8.Pushbavalli
9.Rukku

... Petitioners

Vs.

1.The District Registrar (Administration),
Office of the District Registrar,
1 A, Thiruppathur Salai, Sivagangai.

2.P.Sethu Ammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Na.Ka.No.5083/E1/2022, dated 08.05.2023 and quash the same as illegal.

For Petitioners : Mr.D.Senthil

For R1 : Mr.P.Subbaraj,
Special Government Pleader

For R2 : Mr.S.Ramesh



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ORDER

Challenge has been made to the order of the 1st respondent dated 08.05.2023, directing the petitioners to appear for enquiry based on the complaint given by the 2nd respondent.

2.It is the case of the petitioners that the petitioners and others are the subsequent purchasers of the property in Ward No.E, Block No.4, T.S.No.7/2A, Survey No.273/3 to an extent of 76 cents, situated at Paramakudi Taluk, Emaneshwaram Village. The property in question originally belonged to one Aavudaiyammal. Since there is a title dispute in respect of the property in question, the 2nd respondent filed a suit in O.S.No.18 of 2016 on the file of the Additional District Court, Paramakudi seeking declaration to declare the property in question belonged to her and to cancel the sale deed executed in favour of the petitioners. Further, suppressing the pendency of the suit, she has also made a complaint before the 1st respondent, seeking cancellation of the sale deeds. Pursuant to the same, the 1st respondent issued the enquiry notice dated 08.05.2023, which is under challenge in this Writ Petition.



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3.This Court is of the view that merely because a person has raised some title dispute, it cannot be a ground to cancel the document already registered. 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. Further, the Registrar has no power to cancel the document already registered 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.*

4.In view of the above settled position of law, the impugned enquiry notice of the 1st respondent dated 08.05.2023 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

To
The District Registrar (Administration),
Office of the District Registrar,
1 A, Thiruppathur Salai, Sivagangai.



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N.SATHISH KUMAR, J

Yuva

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