



W.P(MD)No.14355 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.14355 of 2023

and

W.M.P.(MD)Nos.12162 & 12163 of 2023

T.Suthanthira Devi

... Petitioner

Vs.

1.The District Registrar (Administration),
Madurai South, Office of the District Registrar,
Madurai South, Palace Road, Madurai-625 001.

2.The Joint Sub-Registrar No.IV,
Madurai South Registration District,
Palanganatham, Madurai.

3.The Tahsildar,
Madurai South Taluk,
Office of the District Collectorate,
Madurai-20.

4.K.E.Rajendran

5.E.Povas

... 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 issued by the 1st respondent in proceedings in Na.Ka.No. 8332/A2/2022, dated 03.05.2023 and to quash the same as illegal.



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For Petitioner : Mr.M.Sankar
For R1 to R3 : Mr.M.Siddharthan,
Additional Government Pleader
For R4 : Mr.M.Solaisamy

ORDER

Heard both sides.

2.It is the case of the petitioner that the property in R.S.No.265/5B to an extent of 1 Acre 70 Cents situated at Zion Garden, Avaniyapuram Village, Madurai South Taluk, Madurai District belonged to the 5th respondent, from whom the petitioner purchased a portion of the land to an extent of 1310.25 sq.ft through a registered sale deed dated 09.07.2014. From the date of purchase, the petitioner is in possession and enjoyment of the same. In such circumstances, the 4th respondent filed a petition before the 1st respondent, seeking cancellation of the sale deed dated 09.07.2014, on the ground that his father is the owner of the property in question. The 1st respondent, after conducting enquiry, cancelled the sale deed dated 09.07.2014, vide order dated 03.05.2023. Challenging the same, the petitioner has filed 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 order of the 1st 2nd respondent dated 03.05.2023 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

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Madurai South, Office of the District Registrar,
Madurai South, Palace Road, Madurai-625 001.



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Yuva

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