



W.P.(MD)No.15546 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15546 of 2023

Beer Mohamed

... Petitioner

Vs.

1.The District Registrar (Administration),
Cheranmahadevi,
Tenkasi District.

2.The Sub Registrar,
Kadayam,
Tenkasi District.

3.Kaniappa

4.Mikraj

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Na.Ka.No.842/அ2/2023, dated 06.05.2023 and quash the same as illegal and consequently direct the 1st respondent to conduct fresh enquiry on the petitioner's application dated 11.02.2023.

For Petitioner

: Mr.A.Balakrishnan

For Respondents

: Mr.M.Siddharthan

Addl. Govt Pleader for R1 & R2

Mr.P.P.Alwin Bala for R3 & R4



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ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Na.Ka.No.842/2/2023, dated 06.05.2023 and quash the same as illegal and consequently direct the 1st respondent to conduct fresh enquiry on the petitioner's application dated 11.02.2023.

2. It is a strange and peculiar case encountered by this Court.

3. It is the case of the petitioner that he stood as a witness in the settlement deed executed by the third respondent in favour of his wife. Having signed as an attesting witness, later he found that the third respondent has no title in respect of the property executed in favour of his wife. Apprehending that he may be prosecuted by the real owner, he has filed an application before the 1st respondent to cancel the document. The said request was rejected by the 1st respondent stating that affected person only can approach the authority to cancel the document under Section 77-A of the Registration Act, 1908. Challenging the same, the petitioner has filed this Writ Petition.



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4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for respondents 3 and 4 and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is of the view that the very complaint of the petitioner is nothing but an abuse of process of law and this Court is unable to comprehend the imagination of the petitioner that he may be prosecuted by the real owner. The petitioner has signed as a witness and his role is only confined to speak about the witness and he is no way concerned with the title of the property. In such view of the matter, the impugned order does not call for any interference and the Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

29.08.2024

NCC : Yes/No
Index : Yes/No
vsm

3/4



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N.SATHISH KUMAR, J.

vsm

To

- 1.The District Registrar (Administration),
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Tenkasi District.
- 2.The Sub Registrar,
Kadayam,
Tenkasi District.

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