



W.P(MD)Nos.16979 & 23545 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)Nos.16979 & 23545 of 2024

and

W.M.P(MD)No.14632 of 2024

1.W.P(MD)No.16979 of 2024:

P.Manikandan

... Petitioner

Vs

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.10, Santhome Highways,
Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
Madurai.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thirumangalam,
Madurai District.

4.The Tahsildar,
Office of the Tahsildar,
Thirumangalam Taluk Office,
Madurai District.

5.Ganesan

6.Ramakrishnan

7.A.R.Vignesh

8.Sridevi

... Respondents



W.P(MD)Nos.16979 & 23545 of 2024

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the appeal No.34731 of 2024 filed by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.T.Manikandan

For RR 1 to 4 : Mr.M.Sarangan
Additional Government Pleader

For RR 5, 7 & 8 : No appearance

For R – 6 : Mr.N.Balsubramanian

2.W.P(MD)No.23545 of 2024:

P.Manikandan

... Petitioner

Vs

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.10, Santhome Highways,
Chennai – 600 028.

2.The District Registrar (Admn),
Office of the District Registrar,
Madurai.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thirumangalam, Madurai District.

4.The Sub Registrar,
Office of the Sub Registrar,
Chekkanoorani,
Madurai District.

5.Ganesan

6.Ramakrishnan

7.A.R.Vignesh

8.Sridevi

... Respondents



W.P(MD)Nos.16979 & 23545 of 2024

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 4 herein to remove the entry made in the Encumbrance Register maintained by them with regard to the property comprised in Survey No.429/1A1A1 situated at Karadigal Village, Sorikkampatti Panchayat, Thirumangalam Taluk, Madurai District in respect of Document No.1903 of 2019 dated 26.08.2019 on the basis of the petitioner's representation dated 11.09.2024 within the time stipulated by this Court.

For Petitioner : Mr.T.Manikandan

For RR 1 to 4 : Mr.M.Sarangan
Additional Government Pleader

For RR 5, 7 & 8 : No appearance

For R – 6 : Mr.N.Balsubramanian

COMMON ORDER

W.P(MD)No.16979 of 2024 has been filed to dispose of the Appeal No.34731 of 2024 filed by the petitioner pending on the file of the first respondent as against the order passed by the second respondent under Section 77-A of the Registration Act, 1908, thereby cancelling the sale deed executed in favour of the petitioner by the sixth respondent.



W.P(MD)Nos.16979 & 23545 of 2024

2.W.P(MD)No.23545 of 2024 has been filed for a direction, directing the respondents 2 and 4 herein to remove the entry made in the Encumbrance Register maintained by them with regard to the property comprised in Survey No.429/1A1A1 situated at Karadigal Village, Sorikkampatti Panchayat, Thirumangalam Taluk, Madurai District in respect of Document No.1903 of 2019 dated 26.08.2019 on the basis of the petitioner's representation dated 11.09.2024.

3.Though notice was served on the fifth respondent, it is returned with an endorsement 'unclaimed'.

4.The said complaint was lodged by the fifth respondent to cancel the sale deed issued in favour of the petitioner before the second respondent. Aggrieved by the same, the petitioner preferred an appeal before the first respondent and it is pending on the file of the first respondent. Based on the order passed by the second respondent, the registering authority recorded the same in the book of records and entered into the encumbrance of the property comprised in Survey No.429/1A1A1 situated at Karadigal Village, Sorikkampatti Panchayat, Thirumangalam Taluk, Madurai District.



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5.The fifth respondent also purchased the very same property from the sixth respondent and lodged a complaint before the second respondent.

6.Though these Writ Petitions did not challenge the order passed by the second respondent, the petitioner filed an appeal before the first respondent as against the order passed by the second respondent, dated 29.08.2023. In view of the dictum laid down by the Hon'ble Division Bench of this Court in ***M.Kathirvel and others Vs. Inspector General of Registration and others*** reported in **2024 (4) CTC 769**, the order passed by the second respondent cannot be sustained and it cannot be operated further and become void.

7.In view of the above, the second respondent is directed to make an entry of this order in the book of records in respect of the property comprised in Survey No.429/1A1A1 situated at Karadigal Village, Sorikkampatti Panchayat, Thirumangalam Taluk, Madurai District. However, the fifth respondent is at liberty to approach the civil Court for appropriate relief.



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8. With the above directions, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

28.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.10, Santhome Highways,
Chennai – 600 028.
- 2.The District Registrar,
Office of the District Registrar,
Madurai.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thirumangalam,
Madurai District.
- 4.The Tahsildar,
Office of the Tahsildar,
Thirumangalam Taluk Office,
Madurai District.
- 5.The Sub Registrar,
Office of the Sub Registrar,
Chekkanoorani,
Madurai District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)Nos.16979 & 23545 of 2024

28.11.2024