



WP(MD). No.17123 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 24/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.17123 of 2024
and WMP(MD) Nos.14757 to 14759 of 2024

Sp.Vairavan

... Petitioner

Vs

1. The Sub Registrar, Joint I,
The Sub-Registrar Office, Tenkasi..

2. The Inspector of General Of,
Registration,
No.100, Santhome High Road,
Chennai - 600028..

3. Great Lakes Multi State Co-operative Housing Society Limited,
Rep. by its Chief Executive Officer, Sakthivel,
Having Registered Office At.
No. 76/190, South Car Street,
Srivilliputhur

4. Selvaraj,
S/o. Thambiran,
Old Door No.3, New
Door No.49, Utchimahali Amman Kovil
1st Street, Keelappuliyur,
Tenkasi Taluk, Tirunelveli..



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5. R.Pankajam,
W/o. Late. Ramasamy Reddiar,
No.440a, Neelpadai,
Radhanallur Railway Quarters,
Athipuliyur, Keelvelur Taluk,
Nagapatinam..

6. P.Pakkrisamy,
No.129-5, 71-5,
Muthazhagi Amman Kovil Street,
Shencottai - 627809..

7. Asset Reconstruction Company,
India Ltd (Arcil), the Ruby,
10th Floor Senapati Bapat Marg,
Dadar (West),
Mumbai - 400028..

8. The Sub-Registrar,
The Sub-Registrar Office, Alandur,
12 Ist Main Road,
Nanganallur Co-Operative Society Limited,
Nanganallur, Chennai -600061..

... 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 and declare the registration of Doc. No. 853 of 2013 on the file of the Respondent No.1 to be Null and void.

For Petitioner	: M/s.B.Mukil
For Respondent	: Mr.M.Siddharthan for R1&R2 Additional Government Pleader Mr.S.Kumar for R4



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Mr.Abudukumar Rajarathinam
Senior counsel for
Mr.M..Mohammed Riyaz for R3
Mr.Anirudh Krishnan for
M/s.Sarvabhauman Associates
for R7
No appearance for R5

ORDER

The writ petition has been filed challenging the registration of Doc.No.853/2013.

2.The petitioner seeks to challenge the sale deed registered in Doc.No.853/2013. According to him, he has one of the property situated in Alandur village outside the jurisdiction of Sub Registrar, Tenkasi, and registration has been made including that property in Tenkasi Sub Registrar, which is totally against the provisions of Section 28 of the Registration Act, 1908 and hence, seeks to cancel the document.

3. I have considered the rival submissions and perused the materials available on record.



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4. At the outset, the petitioner is not a party to the sale deed and he is a third party claiming right over setting up independent title. His remedy lies elsewhere and not before this Court. That apart Section 28 of the said Act is not a bar for such registration and Section 28 would say that the document has to be presented for registration in the office of the Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate. Therefore, that cannot be said that there is a total bar. Only the document registered outside the State of Tamil Nadu in contravention of the provisions of clause (a), it shall be deemed to be void as per sub clause (b) of Section 28. If at all the petitioner wants to establish the title and annul the document, the remedy lies before the competent civil Court.

5. When the sale deed is sought to be cancelled by the petitioner in WP No.7370/2023, this Court has disposed the writ petition and in the appeal filed by the 3rd respondent herein, the Division Bench allowed the writ appeal by setting aside the order of the writ Court and directed the authorities to consider the case. At any event, as a matter of right, the document cannot be annulled. Hence, the writ Court cannot go into all



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these issues. Accordingly the writ petition is dismissed. No costs.

Consequently connected Miscellaneous Petitions are closed.

24.10.2024

NCC : Yes/No

Index : Yes/No

RR

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3. The Sub-Registrar,
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N.SATHISH KUMAR,J

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