



WP(MD). No.16788 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 24/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.16788 of 2023

WMP(MD) Nos.14018 and 14020 of 2023

1. Karunanithi.S,

2. Kavitha. N

... Petitioners

Vs

1. The Deputy Inspector General,
Of Registration / Appellate Authority,
Integrated Complex of Registration Department,
Tnau Nagar,
Rajakampeeram,
Y.Othakadai,
Madurai - 107..

2. Rajasekaran. Mr,
S/o. M. Pajamanickam,
50, Sundaram Street,
Sivakasi..

3. The Sub Registrar,,
Panthalkudi.
(R3 is Suo Motu Impleaded
Vide Order Dated 12.07.2023).

... Respondents



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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 in Na.Ka. No.1523/AA4/2023 dated 19.05.2023 and quash the same as illegal.

For Petitioner : Mr.Yuvaraja for
M/s.C.Arulvadivel Associates,
For Respondent : Mr.A.Mohan for R2
Mr.P.Subbaraj for R1&R3
Spl. Government Pleader

ORDER

Challenge has been made to the order of the 1st respondent dated 19.05.2023, in and by which, on the complaint given by the 2nd respondent, the authorities had held that the document registered in the year 1994 did not convey any title and directed no further registration to be effected on the basis of the document.

2. It is the case of the petitioner that a complaint has been given to the effect that the original property conveyed only S.No.65/3 instead of the same, S.No.65/4 has been included in the document and S.No.65/4 belong to him. Therefore the document registered in this regard has to be cancelled.



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

4. The District Registrar has gone into the title and decided as like a civil Court and held that the document did not convey any title. Absolutely, no foundational facts have been established to arrive at such a finding. In such view of the matter, this Court is of the view that the authorities have no power to go into the disputed title. Further as per the law laid down in *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*, fraudulent transaction cannot be gone into by the authorities and cancel the document, which has to be established in the manner known to law before the civil Court. Accordingly, the impugned order is quashed and the writ petition is allowed. No costs. Consequently connected Miscellaneous Petitions are closed.

24.09.2024

RR



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TO

1. The Deputy Inspector General of Registration / Appellate Authority,
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2. The Sub Registrar,,
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N.SATHISH KUMAR,J

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**ORDER
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