



W.P(MD).No.18621 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.18621 of 2022
and
W.M.P(MD).No.13548 of 2022**

N.Radha

... Petitioner

Vs.,

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.

2.The District Registrar (AIG Grade)
Madurai South,
Office of the District Registrar,
No.171, Palace Road,
Madurai Town & District 625 001.

3.The Sub-Registrar,
Thirumangalam,
Thirumangalam Town,
Madurai District.

4.K.Gurusamy

5.K.Krishnan

6.Ramuthai

7.Ranjitham

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the second respondent in Na.Ka.No.6644/A2/2021 dated 22.04.2022 and quash the same consequently declare all the activity happened after 22.04.2022 relating to the property in Old Survey No.46/1 and New Survey No.83/5 in Rayapalayam Village, Thirumangalam Taluk, Madurai District as null and void.

For Petitioner : Mr.S.Kadarkarai

For Respondents : Mr.P.Subbaraj (for R1 to R3)
Special Government Pleader
Mr.M.Prabhu (for R5)
No appearance (for R4, R6 & R7)

ORDER

The writ petition has been filed challenging the impugned order made in Na.Ka.No.6644/A2/2021 dated 22.04.2022 passed by the second respondent cancelling the document executed by the petitioner and also the earlier document, namely, settlement deed executed in favour of the petitioner, on the complaint given by the fourth respondent to the effect that he is the son of Kondusamy, whereas the sale deed has been executed by the writ petitioner creating false document.



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2. It is the case of the petitioner that the subject property originally owned by one Kondusamy. He had one son/the petitioner's father, namely Narayanasamy and four daughters. After the demise of Kondusamy and his wife, Narayanasamy was absolute owner of the property and thereafter, he has executed the settlement deed in favour of the petitioner on 05.06.2013. Eversince the date of settlement, the petitioner was in possession of the property and she has executed a sale deed dated 12.07.2021 in favour of Vidhyadhara narayanamoorthy. After registering the document, on the basis of the complaint given by the fourth respondent, enquiry has been conducted under Section 68 and then the document has been cancelled.

3. It is the contention of the fourth respondent that his father alone is the absolute owner of the property, whereas the petitioner also claimed right through his father.

4. Heard both sides and perused the materials available on record.

5. The very nature of the allegation raised by the both sides indicates that there will be a similarity of the names of both the predecessor in title, that can only be established in the civil Court by evidence and not mere allegation and



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production of some revenue records claimed to be genuine, the registration cannot be refused. Whether that revenue record is genuine or not, is the matter of evidence, which can be decided only before the civil Court and that cannot be done before the authority. That apart, as the Registering authority has no power to cancel the document. This aspect has been elaborately dealt by this Court in W.P.No.29706 of 2022 ***[G.Rajasulochana Vs. Inspector General of Registration and others]***. Further, the Hon'ble Supreme Court in the case of ***Satya Pal Anand v. State of M.P., reported in (2016) 10 SCC 767***, held that the Registering Authority has no power to cancel the document.

6. In view of the above judgment, the order impugned in Na.Ka.No. 6644/A2/2021 dated 22.04.2022 passed by the second respondent is hereby quashed and this Writ Petition is allowed. It is for the parties to workout their remedy in appropriate manner before the civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

13.08.2024

NCC : Yes/No
Index : Yes/No
Rmk



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