



WP(MD). No.17354 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.17354 of 2023
and WMP(MD) No.14547 of 2023**

1. Suresh Kumar,

2. Velmurugan

... Petitioners

Vs

1. The Inspector General of Registration,
Door No. 100, Santhome High Road,
Foreshore Estate, Chennai 28.

2. The District Registrar (Administration),
Madurai South, Madurai..

3. The Sub Registrar (Maa.Pa.Nilai),
Joint No.1, Sub Registrar Office,
Madurai South, Madurai..

4. The Sub Registrar,
Chekkanoorani, Madurai.

5. The Sub Registrar, (Maa.Pa.Nilai),
Nagamalai Pudukottai, Madurai..



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6. Mariappan .S,
S/o. Santhanam,
1/120, 5 Valasal Street,
China Mandai,
Keelakuyilkudi,
Nagamalaipudukottai,
Madurai 19.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order Na.ga.No. 7585/Aa2/2022 dated 9.6.2023 passed by 2nd respondent and quash the same.

For Petitioner : Mr.R.Ramasamy,
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The writ petition has been filed challenging the impugned order dated 09.06.2023 of the 2nd respondent.

2. The subject properties were purchased by the petitioner from one Chinnasamy through a registered sale deed dated 18.02.2011 and as such, he is in possession and enjoyment. He has also sold some portion of the property to his sister/2nd petitioner's wife vide sale deed dated



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23.11.2012. While so, while surveying his property, an application came to be filed by the respondent No.6, thereby a prayer has been sought to cancel the sale deed with respect to the said property. Pursuant to the objection given by the 6th respondent, the sale deed has been cancelled by the 2nd respondent through the impugned order dated 09.06.2023, against which, the petitioners are before this Court.

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

4. The private respondent has originally given a complaint before the 2nd respondent to cancel the document registered in favour of the petitioners. An order has been passed on 31.08.2017 rejecting the complaint holding that it is only a title issue and it has to be decided before the civil Court. Thereafter, not stopping with that, one more complaint has been given to the 2nd respondent, wherein also, similar order has been passed on 21.06.2022 rejecting the case of the private respondent. Thereafter, in the year 2023, similar request has been once again made to the concerned District Registrar. However, now the



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impugned order came to be passed cancelling the document.

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5. It is a classic case how the power have been misused by the District Registrars by invoking the power under Section 68 of the Registration Act. Without realizing the fact that they have no power to go into the title issue, left and right, orders have been passed cancelling the document.

6. In such view of the matter, on the face of the order, it is seen that the District Registrar has gone to the extent of deciding the title. The power of the District Registrars in deciding such issues have already been settled by the Apex Court in *Satya Pal Anand v. State of M.P.* [2016 10 SCC 767].

7. Accordingly, the writ petition is allowed and the impugned order of the 2nd respondent is set aside. No costs. Consequently connected Miscellaneous Petition is closed.

24.09.2024

RR



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N.SATHISH KUMAR,J

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