



W.P.(MD) No.17363 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.17363 2023

and

W.M.P.(MD)No.14555 of 2023

Balaji

...Petitioner

-vs-

1.The District Registrar (Administration),
O/o. the District Registrar Complex,
Madurai Road, Virudhunagar,
Virudhunagar District.

2.Bose

3.Sandhu Usman

4.Shanmugavel

5.Kasthuri

6.Revathi

7.Parvathi

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned communication of the 1st

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respondent vide Na.Ka. 7871/A7/A8/2022 dated 06.07.2023 and quash the same as illegal and consequently forbearing the 1st respondent from conducting enquiry regarding title and possession more particularly when the civil suit is pending before Additional District Munsif Court Aruppukottai in O.S. No.32/23 filed by the petitioner.

For Petitioner : Mr.G.Mariappan
For R1 : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenge has been made to the enquiry notice issued by the first respondent in Na.Ka.7871/A7/A8/2022 dated 06.07.2023.

2.The case of the petitioner is that the petitioner purchased the subject property in question by way of a registered sale deed dated 18.10.2022 and mutated the revenue records in his name. While that being so, the second respondent claiming right over the said property had tried to encroach upon the same. In this regard, the petitioner has filed a suit in O.S.No.32 of 2023 on the file of the Additional District Munif Court, Aruppukottai and the same is pending. In the meanwhile, the second respondent made an application before the first respondent to

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cancel the sale deed executed in favour of the petitioner. Based on the said complaint, the first respondent issued an enquiry notice calling for the petitioner to appear before the first respondent.

3.The very Section 77(A) inserted under Registration Act to cancel the registered document, is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. That apart, the issue of title and the fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court in view of the decisions made in ***Satya Pal Anand v. State of M.P.*** [2016 10 SCC 767] and ***G. Rajasulochana v Inspector General*** [W.P 29706 of 2024 dated 16.04.2024].

4.Whether the sale deed executed in favour of the petitioner is valid in the eye of law is a matter of evidence to be decided only by the competent Civil Court.

5.In view of the above settled position of law, the enquiry notice issued by the first respondent cannot be sustained. Accordingly, this writ



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petition is allowed and the enquiry notice issued by the first respondent in Na.Ka.7871/A7/A8/2022 dated 06.07.2023 is set aside. The parties shall work out their remedy before the competent Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

02.09.2024

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

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To:

The District Registrar (Administration),
O/o. the District Registrar Complex,
Madurai Road, Virudhunagar,
Virudhunagar District.



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N.SATHISH KUMAR, J.

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