



W.P.(MD) No.17711 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.17711 2023

and

W.M.P.(MD)No.14790 of 2023

M.Murugan

...Petitioner

-vs-

1.The District Registrar,
O/o. the District Registrar,
Madurai (South),Madurai.

2.The Sub Registrar,
O/o.Sub Registrar,
Joint-I Madurai, Madurai.

3.M.Senthilvel

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari, to call for the records relating to the impugned notice in Na.Ka.No.2988/Aa2/2023 dated 10.07.2023 issued by the first respondent and quash the same.

For Petitioner	: Mr.T.Antony Arulraj
For R1 & R2	: Mr.M.Siddharthan Special Government Pleader
For R3	: Mr.J.Jawahar



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ORDER

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Challenge has been made to the enquiry notice issued by the first respondent in Na.Ka.No.2988/Aa2/2023 dated 10.07.2023 3.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.The case of the petitioner is that the petitioner purchased the property from the third respondent by way of a registered sale deed. Thereafter, the third respondent with an ulterior motive had given a complaint and made a representation before the first respondent to cancel the registered sale deed in favour of the petitioner. Based on the said complaint, the first respondent issued a enquiry notice calling for the petitioner to appear before the first respondent.

4.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



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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].

5. 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.

6. In view of the above settled position of law, the enquiry notice issued by the first respondent cannot be sustained. Accordingly, this writ petition is allowed and the enquiry notice issued by the first respondent in Na.Ka.No.2988/Aa2/2023 dated 10.07.2023 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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N.SATHISH KUMAR, J.

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