



W.P.(MD) No.7858 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.7858 2018
and
W.M.P.(MD)Nos.7434 and 7435 of 2018

A.Thangarasu

...Petitioner

-VS-

1.The District Registrar,
Pattukottai Registered District,
Thanjavur District.

2.R.C.Ananth

...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 enquiry notice in Na.Ka.No.3086/A1/2017 dated 26.12.2017 quash the same.

For Petitioner	: No Appearance
For R1	: Mr.C.Satheesh Government Advocate
For R2	: Mr.R.Alagumani Government Advocate



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ORDER

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Challenge has been made to the enquiry notice in Na.Ka.No. 3086/A1/2017 dated 26.12.2017 issued by the first respondent.

2.The petitioner purchased the property in question on 02.08.2017 and mutated the revenue records in his name. While that being so, the second respondent claiming right over the said property had given a complaint to cancel the sale deed executed 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.

3.At the outset, the Registering Authority has no power to cancel any registered 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*** has held that the “*some irregularity in the procedure committed during the registration process would not lead to a fraudulent execution and registration of the document, but a case of mere*



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irregularity. In either case, the party aggrieved by such registration of document is free to challenge its validity before the Civil Court.”

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, 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.3086/A1/2017 dated 26.12.2017 is set aside. The parties shall work out their remedy before the competent Civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

12.08.2024

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

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N.SATHISH KUMAR, J.

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To:

The District Registrar,
Pattukottai Registered District,
Thanjavur District.

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