



WP(MD). No.18782 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.18782 of 2023
and WMP(MD) No.15604 of 2023**

1. Subramaniaswami,

2. Nandhasamy,

3. Jawahar

... Petitioners

Vs

1. The Deputy Inspector General of Registration,
Appellate Authority,
Combined Registrar Office,
St. Marks Street, Sankar Colony,
Palayamkottai,
Tirunelveli District..

2. The District Registrar (Administration),
Registration Department,
O/o.The District Registrar,
Palayamkottai,
Tirunelveli District..

3. The Sub - Registrar,
Sub - Registration Office,
Kovilpatti,
Thoothukudi District..



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4. Srinivasa Perumal

... Respondents

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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 order vide proceedings in Na.Ka.No. 3999/A5/2021 dated 01.03.2022 passed by the 2nd respondent and order dated 26.04.2023 vide Na.Ka.No.2272/Tha.Pi/2022 passed by the 1st respondent herein and quash the same in so far as Document No. 3675/2021 and 3674/2021 dated 31.03.2021.

For Petitioners : Mr.T.Antony Arulraj

For Respondents : Mr.M.Siddharthan for R1 to R3
Additional Government Pleader
Mr.

ORDER

The writ petition has been filed challenging the order of the respondents 1 and 2 dated 01.03.2022 and 26.04.2023, in and by which, the documents in question have been cancelled.

2. The petitioners' case is that the subject property is the ancestral property of their father and mother and after their demise, the petitioners have become the absolute owner. The petitioners' sister has also executed a release deed in their favour in Doc.No.3673/2021 on 31.03.2021 and



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vide document No.3674/2021, the petitioners sold the property in favour of one Rishikeshwara to an extent of 9 acres 91 cents. However, due to the objection of the 4th respondent, the documents in question have been cancelled by the 2nd respondent. On appeal, the first respondent has also confirmed the same. Challenging the same, the petitioners are before this Court.

3. It is seen that the documents have been cancelled mainly on the ground that excessive extent has been shown other than the exact extent in the document.

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

5. Considering the above, merely because there is some discrepancy in extent, that cannot be a ground to cancel the document. Further the authorities cannot go into the title issue. It is stated by the parties that suits are pending in OS No.194/2022, 144/2023 on the file of the District Munsif, Kovilpatti and O.S.161/2023 before the Principal



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District and Sessions Court, Thoothukudi.

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5. In view of the above, the writ petition is allowed and the impugned order of the respondents 1 and 2 dated 26.04.2023 and 01.03.2022 are quashed. No costs. Consequently connected Miscellaneous Petition is closed.

24.09.2024

RR

TO

1. The Deputy Inspector General of Registration,
Appellate Authority,
Combined Registrar Office,
St. Marks Street, Sankar Colony,
Palayamkottai,
Tirunelveli District..

2. The District Registrar (Administration),
Registration Department,
O/o.The District Registrar,
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3. The Sub - Registrar,
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N.SATHISH KUMAR,J

RR

**ORDER
IN
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Date : 24/09/2024