



W.P.(MD) No.19115 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.19115 2023

and

W.M.P.(MD)No.15856 of 2023

1.S.Sasikumar
2.A.Arunachalam
3.K.Saravanan

...Petitioners

-vs-

1.The Deputy Inspector General of Registration,
2nd Floor, Govt.Multisotried Building,
Kajamalai, Mannarpuram, Trichy-620 020.

2.The District Registrar (Administration),
Karur District, Collectorate,
Thanthonimalai, Karur.

3.K.Banumathi

...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 order of the first respondent in Na.Ka.No. 3964/E1/2022 dated 06.07.2023 whereby confirming the order of the second respondent in Na.Ka.No.2969/A3/2021 dated 20.06.2022 and quash the same.

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For Petitioners : Mr.K.Suresh
For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader
For R3 : Mr.N.Marimuthu

ORDER

Challenge has been made to the order of the first respondent in Na.Ka.No.3964/E1/2022 dated 06.07.2023 confirming the order of the second respondent in Na.Ka.No.2969/A3/2021 dated 20.06.2022, through which the documents standing in the name of the petitioners were cancelled.

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

3.It is the contention of the petitioners that the petitioners have purchased the subject property by way of a registered sale deed dated 22.11.2019 and they are in possession and enjoyment of the said property from the date of purchase. They have also sold the same to some other third parties. While the matter stood thus, the third respondent claiming right over the subject property had lodged a complaint before the second respondent to cancel the sale deed executed in favour of the petitioners.

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Based on the same, the second respondent had cancelled the sale deed stood in favour of the petitioners. Aggrieved over the said order, the petitioners have preferred an appeal before the first respondent and the same was also dismissed by confirming the order of the second respondent.

4.It is well settled that the Registering Authority has no power to cancel any document as 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].

5.The orders impugned in this writ petition clearly indicate that the first and second respondents have gone into the issue of title. The allegation with regard to forgery or fraudulent registration cannot be



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established before the Registering Authority. It has to be established by adducing necessary evidence before the competent civil Court.

6.In view of the above settled position of law, the orders passed by the authorities concerned cannot be sustained. Accordingly, this writ petition is allowed and the orders of the second respondent in Na.Ka.No. 2969/A3/2021 dated 20.06.2022 and the first respondent in Na.Ka.No. 3964/E1/2022 dated 06.07.2023 are 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

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

1.The Deputy Inspector General of Registration,
2nd Floor, Govt.Multisotried Building,
Kajamalai, Mannarpuram, Trichy-620 020.

2.The District Registrar (Administration),

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Karur District, Collectorate,
Thanthonimalai, Karur.

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N.SATHISH KUMAR, J.

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