



W.P.(MD)No.20724 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20724 of 2024

and

W.M.P.(MD)Nos.17565 and 17566 of 2024

P.Nagarajan

... Petitioner

Vs.

1.The District Registrar (Administration),
Registration Department,
Karur District.

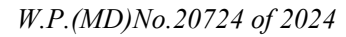
2.The Sub-Registrar,
Krishnaryapuram Sub Registrar Office,
Karur District.

3.K.Krishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records in the impugned order in Na.Ka.No.1029/Aa1/2021 dated 29.12.2021 on the file of the first respondent and quash the same.

For Petitioner	: Mr.S.Kumar
For R1 & R2	: Mr.M.Siddharthan Additional Government Pleader
For R3	: Mr.K.Prabakaran for M/s.K.P.S.Law Associates



Challenging the order of the second respondent holding that the sale in favour of the petitioner has been fraudulently made by obtaining false legal heirs certificate and death certificate, the present writ petition has been filed.

3. The case of the petitioner is that he has purchased the subject property from the legal heirs of Vellaiya Gounder vide registered sale deed dated 21.06.2013. The petitioner is in possession and enjoyment of the subject property from the date of purchase. While so, the third respondent, who is the adjacent land owner, in order to grab the property of the petitioner, had given a complaint against the petitioner. Based on the same, enquiry was conducted and the first respondent cancelled the document vide order dated 29.12.2021. Challenging the same, the petitioner has filed this writ petition.

4. The third respondent has given a complaint claiming that the property originally belonged to one Vellaisamy Gounder and he was working in the farmhouse of the third respondent's mother-in-law. Further, the said Vellaisamy



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Gounder left the place leaving his property under the custody of the third respondent's mother-in-law. In the meanwhile, by obtaining false certificate of death and legal heirs certificate, the property has been transferred in favour of the petitioner. Based on that complaint, enquiry has been conducted and orders have been passed cancelling the document executed in favour of the petitioner.

5.The learned counsel for the petitioner submitted that the registering authority has no power to go into the title issue.

6.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].

7.The order impugned in this writ petition clearly indicate that the first respondent had gone into the issue of title. The allegation with regard to forgery or fraudulent registration cannot be established before the Registering



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

8.In view of the above settled position of law, the order passed by the authorities concerned cannot be sustained. Accordingly, this writ petition is allowed and the order of the first respondent dated 29.12.2024 in Na.Ka.No. 1029/Aa1/2021 is set aside. The parties shall work out their remedy before the competent Civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

15.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The District Registrar (Administration),
Registration Department,
Karur District.
- 2.The Sub-Registrar,
Krishnaryapuram Sub Registrar Office,
Karur District.



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N.SATHISH KUMAR, J.

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