



W.P(MD)No.20009 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.20009 of 2023

and

W.M.P.(MD)No.16507 of 2023

P.Karuppiah

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Santhom High Road,
Chennai-600 008.
- 2.The District Registrar (Administration),
(Deputy Inspector General of Registration),
Ramanathapuram.
- 3.The Sub-Registrar,
Kamuthi Sub Registrar's Office,
Ramanathapuram District.

- 4.Muneeswari
- 5.Kumarakkal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records in pursuant to the impugned order passed by the second respondent in Na.Ka.No. 2324/Aa1/2023 dated 03.08.2023 and quash the same.



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For Petitioner : Mr.M.Karthikeya Venkatachalapathy
For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader
For R4 & R5 : Mr.S.Vishnuvarthan

ORDER

The petitioner has filed this writ petition challenging the order of the second respondent in Na.Ka.No.2324/Aa1/2023 dated 03.08.2023 cancelling the sale deed, dated 30.03.2017 on the ground that all the legal heirs have not joined in the execution of the sale deed.

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

3.It is the case of the petitioner that he has purchased the property in Survey No.300/4A and 300/3A vide registered sale deed dated 30.03.2017. He is in possession and enjoyment the same from the date of purchase. The patta for the subject property is a joint patta. Hence, at the instance of the petitioner the subject property was sub divided into No.300/4A2 and 300/3A2 and a separate patta was also issued in the name of the petitioner. In the meanwhile,



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the respondents 4 and 5 have made a complaint before the second respondent to cancel the sale deed executed in favour of the petitioner. Initially, the second respondent had rejected the said complaint and after some time, the second respondent had cancelled the said sale deed registered in favour of the petitioner. Challenging the same, the petitioner has filed this writ petition.

4. Admittedly, the revenue records initially stood in the name of two persons. The petitioner purchased only half of the property from one of the persons/shareholders, whose name was also incorporated in the revenue records with regard to the subject property. The document with regard to the subject property executed in favour of the petitioner has been annulled only on the ground that necessary consent has not been obtained from the other co-owners. The said finding rendered in the impugned order itself is totally against the substantive provision of law.

5. It is to be noted that the second respondent has rejected the complaint made by the respondents 4 and 5 questioning the sale deed in favour of the petitioner, by his order dated 03.05.2023 holding that as the document has not shown any act of impersonation and forgery, the same cannot be



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rejected. Having passed such order, the very same Officer, within a period of three months, had entertained the similar complaint and passed the impugned order on 03.08.2023. This is a classic example of how the District Registrars have been given power to deal with the substantive matter, particularly the constitutional rights of the parties. Hence, the order passed by the second respondent, even without knowing the fact that he himself had rejected the very same complaint earlier, is nothing but a clear non-application of mind.

6.Further, 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.In view of the above, this writ petition is allowed and the order passed by the second respondent in Na.Ka.No.2324/Aa1/2023 dated



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03.08.2023 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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To

- 1.The Inspector General of Registration,
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N.SATHISH KUMAR, J

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