



W.P.(MD)No.13961 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.13961 of 2018

1. Krishnan

2. Ponnusamy

... Petitioners

Vs

1. The District Registrar (Admn),
in the Cadre of Assistant Inspector,
General Registration, Tirunelveli.

2. The Sub Registrar,
Office of Gangaikondan Sub Registrar,
Tirunelveli District.

3. Karuppasamy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent made in proceedings No.20/E1/2017, dated 19/06/2017 and quash the same consequently direct the 1st respondent to deal with the Complaint of the Petitioner dated 30/12/2016 in accordance with law.

For Petitioners

: Mr. S.Karthick

For Respondents

: Mr.M.Siddharthan (R1,R2)
Additional Government Pleader
No Appearance (R3)



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ORDER

This Writ Petition has been filed challenging the proceedings of the 1st respondent in No.20/E1/2017, dated 19/06/2017 and consequently to direct the 1st respondent to deal with the Complaint of the Petitioner, dated 30/12/2016.

2.Heard Mr.S.Karthick, the learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 & 2. Perused the materials available on record.

3.It is the contention of the learned counsel for the petitioner that the petitioner has purchased the property on 06.03.2013. However, the vendor in collusion with the third parties once again sold the same party on 11.05.2013. Therefore, the petitioner seeks a direction to cancel the sale deed, which has been rejected by the Authorities and to relegate the parties to go to civil Court. Hence, this petition has been filed.

4.At the outset, this Court is of the view that this writ petition is not maintainable. The Registration Authorities cannot go into a civil dispute and cancel the document. Since the issue pertains to Section 77(A) of Registration



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Act, 1908, the very Section 77(A) inserted under Registration Act is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 etc., Batch. Hence, the writ petition itself is misconceived.

5.In such view of the matter, the petitioner can work out his remedy before the competent Civil Court not before the respondents. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

08.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To

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2. The Sub Registrar,
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N.SATHISH KUMAR, J.

PNM

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