



W.P.(MD)No.22075 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22075 of 2023

and

W.M.P.(MD)Nos.18403 & 18404 of 2023

L.Selvaraj

... Petitioner

Vs.

1.The District Registrar,
Palani Registration Office,
Dindigul District.

2.The Sub Registrar,
Vadamadurai, Dindigul District.

3.Hari Prasad

4.Sagunthala

5.P.Duraisamy

6.K.Thirumalaisamy

... 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 pertaining to the order of the 1st respondent dated 10.08.2022 in No.2774/E1/2022 in respect of the cancellation of sale deeds in Doc.Nos.3867/2013, 3868/2013, dated 23.08.2013 and Doc.Nos.2471/2022 and 2472/2022 dated 18.04.2022 and quash the same.



W.P(MD)No.22075 of 2023

For Petitioner : Mr.R.Gowri Shankar,
for Mr.S.Vinod Sathya Lazar
For R1 & R2 : Mr.C.Satheesh,
Government Advocate
For R3 : Mr.M.Thirunavukarasu
For R4 : No Appearance
For R5 : Tapal Returned
For R6 : Mr.D.Venkatesh

ORDER

Challenge has been made to the order of the 1st respondent dated 10.08.2022, restraining any further transaction in the survey number.

2.It is the case of the petitioner that he purchased the property in question through two sale deeds in Doc.Nos.3867/2013 & 3868/2013, dated 23.08.2013 from the 4th respondent, who represented her minor son, namely, Hariprasad / 3rd respondent herein, since at the time of sale, the 3rd respondent was minor. Thereafter, on 18.04.2022 the petitioner executed two sale deeds in favour of the 5th respondent vide Doc.Nos.2471/2022 & 2472/2022. In such circumstances, the 3rd respondent made a complaint before the 1st respondent to cancel the sale deed in Doc.Nos.3867/2013 and 3868/2013 on the ground that he is the owner of the property in question by virtue of the Will executed by his father and since he was minor, his mother / 4th respondent being his guardian



W.P(MD)No.22075 of 2023

has dealt the property. After enquiry, the 1st respondent, vide order dated 10.08.2022, held that the District Registrar has no power to cancel the document, however, directed the Sub Registrar not to permit further transaction in the survey number. Challenging the same, the petitioner has filed this Writ Petition.

3.At the outset, 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 batch. That apart the issue of title and fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court as per ***Satya Pal Anand v. State of M.P.*** [2016 10 SCC 767] and ***G. Rajasulochana v Inspector General*** made in W.P 29706 of 2024 dated 16.04.2024.

4.In such view of the matter, the finding recorded by the 1st respondent restraining further transaction in the survey number, cannot be sustained in the eye of law. Therefore, the impugned order of the 1st respondent stands quashed and this Writ Petition is allowed. The parties shall agitate their rights in the pending suit in O.S.No.126 of 2022 on the file of the District Court, Dindigul. The civil Court shall decide the rights of the parties on its



W.P(MD)No.22075 of 2023

own merits. No costs. Consequently, connected miscellaneous petitions are closed.

30.09.2024

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

Yuva

To

- 1.The District Registrar,
Palani Registration Office,
Dindigul District.
- 2.The Sub Registrar,
Vadamadurai, Dindigul District.



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W.P(MD)No.22075 of 2023

N.SATHISH KUMAR, J.

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W.P(MD)No.22075 of 2023

30.09.2024