



W.P.(MD) No.24186 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.24186 of 2016
and W.M.P.(MD).Nos.17465 & 17466 of 2016

S.Zahir Hussain

... Petitioner

/vs./

1.The Deputy Inspector General of Registration,
O/o. DIG of Registration,
St.Mark Street,
Sankar Colony,
Palayamkottai, Tirunelveli District.

2.The District Registrar,
Department of Registration,
O/o.District Collector,
Korampallam, Tuticorin.

3.The Sub Registrar,
Department of Registration,
Kayalpattinam,
Tuticorin District.

4.Mohammed Ismayil

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the impugned order dated 26.08.2016 made in Na.Ka.No.4334/B1/2016 passed by the 2nd respondent and



W.P.(MD) No.24186 of 2016

subsequently quash the same as illegal and devoid of merits and consequently direct the respondents 1 and 2 to cancel the deed of Sale dated 02.04.1981 bearing Document No.463 of 1981 on the file of the 3rd respondent forthwith.

For Petitioner : Mr.S.Palani Velayutham

For RR1 to 3 : Mr.S.P.Maharajan
Special Government Pleader

For R4 : Mr.M.R.S.Prabhu

ORDER

This Writ Petition has been filed challenging the impugned order dated 26.08.2016 made in Na.Ka.No.4334/B1/2016 passed by the 2nd respondent with a consequential direction to the respondents 1 and 2 to cancel the deed of Sale dated 02.04.1981 bearing Document No.463 of 1981 on the file of the 3rd respondent.

2. Heard Mr.S.Palani Velayutham, learned counsel for the petitioner, Mr.S.P.Maharajan , learned Sepcial Government Pleader appearing on behalf of the respondents 1 to 3 and Mr.M.R.S.Prabhu, learned counsel appearing on behalf of the fourth respondent.

3. A Full Bench of this Hon'ble Court in a judgment reported in **2022 SCC**



W.P.(MD) No.24186 of 2016

Online Mad 4343 had held that the Registering Authority does not have authority to enter upon the dispute with regard to the title of the property between the private parties and it is for them to approach the appropriate Civil Court to seek remedy in the manner known to law.

4. In view of the aforesaid Full Bench judgment, the prayer sought for in this Writ Petition, in my view need not be entertained. However, liberty is granted to the petitioner to seek appropriate remedy before the Civil Court in the manner known to law and when the petitioner approaches the Civil Court while calculating the period of limitation, the pendency of proceedings of the second respondent as well as the period of pendency of this Writ Petition shall be excluded.

5. With the aforesaid liberty, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
Gba

20.11.2024

3/4



WEB COPY



W.P.(MD) No.24186 of 2016

K.KUMARESH BABU, J.

Gba

- 1.The Deputy Inspector General of Registration,
O/o. DIG of Registration,
St.Mark Street,
Sankar Colony,
Palayamkottai, Tirunelveli District.
- 2.The District Registrar,
Department of Registration,
O/o.District Collector,
Korampallam, Tuticorin.
- 3.The Sub Registrar,
Department of Registration,
Kayalpattinam,
Tuticorin District.

**W.P.(MD) No.24186 of 2016
and W.M.P.(MD).Nos.17465 & 17466 of 2016**

20.11.2024