



WP(MD). No.22559 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 05/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.22559 of 2023 and
WMP(MD) Nos.18807 and 18808 of 2023**

1. Ganesh Kumar,

2. Sanjay,

3. Kesika Shree,

... Petitioners

Vs

1. The District Registrar (Admin)
Palayankottai, Tirunelveli District.

2. The Sub Registrar,
Kadampur Sub Registrar Office,
Thoothukudi District.

3. Meera Kanagaraj,
W/o.Kanagaraj,
North Street,
Malayankulam Village,
Kuruvikulam Post,
Thiruvengadam Taluk,
Tenkasi District.



WP(MD). No.22559 of 2023

4. Lavanya,
W/o.Karthikeyan,
D.No.56/8, 4th Street,
Sriram Nagar,
Kovilpatti Town,
Thoothukudi District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for records relating to the impugned order passed by the 1st respondent issued the impugned order in Na.Ka.no.5961/A5/2021 dated 10.07.2023 and quash the same.

For Petitioners : Mr.C.Jeganathan,

For Respondents : Mr.P.Subbaraj for R1 & R2
Special Government Pleader
Mr.N.Vignesh for R3 and R4

ORDER

The writ petition has been filed challenging the order of the 1st respondent dated 10.07.2023.

2. On the complaint given by the 4th respondent, the document, which has been registered in favour of the petitioners on 07.04.2011, has been cancelled.



WP(MD). No.22559 of 2023

3. The case of the petitioners is that the 4th respondent has given power of attorney to the 3rd respondent and on that score, the 3rd respondent sold the subject properties in favour of the petitioners. However, on the petition given by the 3rd respondent to cancel the sale deed executed in favour of the petitioners, the sale deed has been cancelled vide impugned order. Challenging the same, the petitioners are before this Court.

4. I have considered the rival submissions and perused the materials available on record.

5. It is seen that the complaint has been given on 01.03.2023, after 12 years of the transaction. Whether the alleged cancellation of power deed has been informed to the agent or not is a factual aspect, which has to be decided before the appropriate forum. Without going into that aspect, the document has been cancelled. It is also to be noted that the sale deed has been executed in favour of the petitioners in the year 2011 and the complaint has been given in the year 2023, ie., after 12 years. These facts cannot be simply ignored. The Apex Court had repeatedly



WP(MD). No.22559 of 2023

held that the District Registrar or the Inspector General of Registration has no right whatsoever to go into the disputed title in ***Satya Pal Anand v. State of M.P.[2016 10 SCC 767]*** and this Court in ***G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024.*** Therefore, in the case on hand, the cancellation made based on the complaint of the 4th respondent is per se illegal.

6. Accordingly, the writ petition is allowed and the impugned order is set aside and the parties are at liberty to approach the appropriate forum. No costs. Consequently connected Miscellaneous Petitions are closed.

05.09.2024

NCC : Yes/No
Index : Yes/No
RR

TO
1. The District Registrar (Admin)
Palayankottai,
Tirunelveli District.

2. The Sub Registrar,
Kadampur Sub Registrar Office,
Thoothukudi District.

4/5



WEB COPY



WP(MD). No.22559 of 2023

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.22559 of 2023**

Date : 05/09/2024