



WP(MD). No.24605 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.24605 of 2023
and WMP(MD) No.20782 of 2023**

Vijaya.R

... Petitioner

Vs

1. Inspector General of Registration,
No. 100, Santhome High Road,
Chennai 600 028..

2. The District Registrar,
District Registrar Office,
Periyakulam Registration District,
J.C. Complex, Vadakarai,
Periyakulam 625 601.

3. The Sub Registrar,,
Theni Sub Registrar Office,
Kunoor Village,Theni District..

4. Thangamalai,
D/o. Malaisamy, Vadakku Theru,
Ammachiapuram, Aandipatti, Theni District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the communication letter of 2nd



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respondent bearing No. 7294/E2/2022 dated 22.12.2022, and quash the same same also directing the second respondent not to take any action on compliant given by the fourth respondent complaint dated in 12.12.2022 and to seek remedy before competent civil Court.

For Petitioner : M/s.Naresh.B,
For Respondents : Mr.M.Siddharthan for R1 to R3
Additional Government Pleader
No appearance for R4

ORDER

The writ petition has been filed challenging the impugned order of the 2nd respondent bearing No. 7294/E2/2022 dated 22.12.2022, and to direct the second respondent not to take any action on the compliant given by the fourth respondent complaint dated in 12.12.2022 and to seek remedy before competent civil Court.

2. The case of the petitioners is that the petitioner is the absolute owner of the subject property, which has been purchased by her husband through registered settlement deed of his father. However, the 4th respondent has given a complaint to the 2nd respondent to cancel the sale deed on the ground of fraudulent and bogus document. Pursuant to the same, the 2nd respondent has issued the impugned order of cancelling the documents. Challenging the same, the petitioner is before this Court.



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

4. At the outset, the authorities have no power to go into the disputed title and have no authority to cancel the deeds. The Apex Court had repeatedly 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 impugned notice calling upon the petitioner to give explanation with regard to cancellation of sale deeds 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 Petition is closed.

05.09.2024

RR

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N.SATHISH KUMAR,J

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