



W.P.(MD)No.22761 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.22761 of 2023

and

W.M.P.(MD)No.19016 of 2023

Manimaran

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,  
Ramanad Zone, Ramnad.

2.The District Registrar,  
Karaikudi, Sivagangai District.

3.The Revenue Divisional Officer,  
Iluppur Division, Pudukkottai Taluk,  
Pudukkottai District.

4.The Sub Registrar,  
Ponnamaravathi,  
Pudukkottai District.

5.Prema

... 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 impugned order dated 28.08.2023 in Na.Ka.No.191/A1/2023 passed by the 1<sup>st</sup> respondent and quash the same as arbitrary and illegal.



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For Petitioner : Ms.A.Arul Jenifer  
for M/s.KBS Law Office  
For R1 to R4 : Mr.P.Subbaraj,  
Special Government Pleader  
For R5 : Mr.P.Aju Tagore

### **ORDER**

Challenge has been made to the order of the 1<sup>st</sup> respondent dated 28.08.2023.

2.It is the case of the petitioner that his mother executed a settlement deed in respect of Old S.F.No.354/3 in his favour on 05.12.2018. Ever since the date of purchase, the petitioner is in possession and enjoyment of the same, whereas, the 5<sup>th</sup> respondent gave a complaint to the 2<sup>nd</sup> respondent, seeking cancellation of the sale deed dated 05.12.2018, on the ground that she had purchased 5932 sq.ft., in the same survey number in the year 1991. The 2<sup>nd</sup> respondent, having found that the dispute relates to title, relegated the parties to the civil Court. However, on appeal, the 1<sup>st</sup> respondent has passed an order dated 28.08.2023, recording a finding that the document is fraudulent and no further registration of document is permitted. Challenging the same the petitioner has filed this Writ Petition.



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3. Heard the learned counsel on either side and perused the materials available on record.

4. Admittedly, there is a title dispute between the petitioner and the 5<sup>th</sup> respondent. Therefore, merely based on the allegation made by the 5<sup>th</sup> respondent, the authorities cannot come to the conclusion that the document is fraudulent one. Further, the registering authority has no power to cancel the document already registered, as 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 in view of the decisions rendered in the case of *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.

5. In such view of the matter, the impugned order of the 1<sup>st</sup> respondent is quashed and this Writ Petition is allowed. It is for the parties to workout their remedies in a competent civil Court, where proper adjudication can be



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made with regard to the title. No costs. Consequently, connected miscellaneous petition is closed.

**30.09.2024**

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

*Yuva*

To

- 1.The Deputy Inspector General of Registration,  
Ramanad Zone, Ramnad.
- 2.The District Registrar,  
Karaikudi, Sivagangai District.
- 3.The Revenue Divisional Officer,  
Iluppur Division, Pudukkottai Taluk,  
Pudukkottai District.
- 4.The Sub Registrar,  
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**N.SATHISH KUMAR, J.**

*Yuva*

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