



W.P.(MD) No.23760 & 23761 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) Nos.23760 and 23761 2023

and

W.M.P.(MD)Nos.19942 and 19944 of 2023

1.Udayakumar

2.Suganthi

...Petitioners

-vs-

1.The Inspector General of Registration,
Inspector General of Registration Office,
No.100, Santhome High Road,
Mylapore, Chennai-28.

2.The District Registrar (Admin),
District Collector Office,
Kokkkirakulam, Tirunelveli District.

...Respondents 1 & 2
in both petitions

3.R.Igenus Anthony Kumar

..3rd Respondent in
W.P.(MD)No.23760/2023

3.R.Prince Rosary Arulanand

..3rd Respondent in
W.P.(MD)No.23761/2023

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari, to call for the records related to the impugned proceedings of the District Registrar (Administration), Palayamkottai dated 16.08.2023 in

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Na.Ka.No.3207/A3/2023 and Na.Ka.No.3211/A3/2023 respectively contemplating cancellation of documents registered in Doc.No. 1517/2010, 1516/2010, 1517/2010 respectively on the file of the Sub-Registrar, Nazareth and quash the same.

In both petitions:

For Petitioner	: Mr.N.Dilipkumar
For R1 & R2	: Mr.C.Satheesh Government Advocate
For R3	: Mr.M.P.Senthil

COMMON ORDER

Challenge has been made to the enquiry notice issued by the first respondent Na.Ka.No.3207/A3/2023 and Na.Ka.No.3211/A3/2023 dated 16.08.2023.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.The case of the petitioner is that the first petitioner is the original owner of the subject property in both petitions. He had executed a



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settlement deed in favour of the second petitioner. In the meanwhile, the first petitioner executed a power of attorney deed in the name of one Jeyapandian. Since the attitude of the power agent was not satisfactory, the first petitioner cancelled the said power deed in accordance with law. However, the third respondent claiming to be purchaser of the subject property from the said power agent, had made an application before the second respondent to cancel the settlement deed executed in favour of the second petitioner. In view of the same, the second respondent had issued a notices to the petitioners to appear for enquiry, which are under challenge in these writ petitions.

4.At the outset, the enquiry notices issued by the second respondent is not valid in the eye of law, since the very Section 77(A) inserted under Registration Act to cancel the registered document, 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 the 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 made in *Satya Pal Anand v. State of M.P.*[2016 10 SCC 767] and *G.*



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Rajasulochana v Inspector General [W.P 29706 of 2024 dated 16.04.2024].

5. Whether the settlement deed executed by the first petitioner in favour of the second petitioner is valid in the eye of law, cannot be gone into by the registering authorities. It has to be proved by adducing evidence only before the competent civil Court.

6. In view of the above settled position of law, the enquiry notices issued by the second respondent cannot be sustained. Accordingly, this writ petition is allowed and the enquiry notices issued by the second respondent in Na.Ka.No.3207/A3/2023 and Na.Ka.No.3211/A3/2023 dated 16.08.2023 are set aside. The parties shall work out their remedy before the competent Civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

23.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J.

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