



WP(MD). No.24940 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.24940 of 2023 and
WMP(MD) No.21129 of 2023**

Moovendran

... Petitioner

Vs

1. The District Registrar(Admin),
Madurai North, In the Capacity of
Assistant Inspector General of Registration,
Registration Department, Madurai.

2. The Sub Registrar,
Karunkalagudi Sub Registrar Office,
Karunkalagudi, Madurai District.

3. Perumal,

... 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 of the impugned order passed by the 1st respondent in No. 1525/A2/2022 dated 29.03.2023 and quash the same as illegal and quash the same.

For Petitioner : Mr.M.Kannan,
For Respondents : Mr.P.Subbaraj for R1&R2
Special Government Pleader



WP(MD). No.24940 of 2023

**Mr.P.Ganapathi Subramanian
for R3**

ORDER

Challenge has been made to the impugned order of the 1st respondent.

2. A complaint given by the 3rd respondent alleging that the property originally owned by one Dharmalingam and the petitioner and they sold the property on 11.03.2002 in favour of one Sundari, she in turn settled the property on 04.05.2012 in favour of one Arumugam. Arumugam in turn sold the same in favour of the 3rd respondent. When the matter stood thus, the petitioner has once again settled the property in favour of his wife in the year 2018. Therefore, to cancel the document, a complaint has been given. It is the case of the petitioner that the property sold is not the subject matter of settlement and it is a different property. However, the document has been cancelled. Therefore, the petitioner is before this court.

3. Heard the learned counsel for the petitioner, learned Special Government Pleader for R1 and R2 and the learned counsel for the third respondent.

2/5



WP(MD). No.24940 of 2023

4. Now, it is stated by both sides that suit for declaration in OS No. 457/2009 is pending on the file of the Sub Court, Melur filed by the 4th respondent. Be that as it may. The issue is with regard to extent and title of the property and the said issue cannot be decided by the authorities, as held by the Apex Court 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*.

5. Therefore, the writ petition is allowed and the impugned order is quashed. No costs. Consequently connected Miscellaneous Petition is closed.

05.09.2024

RR



WP(MD). No.24940 of 2023

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WP(MD). No.24940 of 2023

N.SATHISH KUMAR,J

RR

**ORDER
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