



WP(MD). No.26766 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.26766 of 2023
and WMP(MD) No.23005 of 2023**

Janaki. R

... Petitioner

Vs

1. The Deputy Inspector General,
Of Registrations and Appellate Officer,
Registration Department, Tirunelveli Region,
St.Marx Street (Near Sankar Colony),
Palayamkottai, Tirunelveli District.

2. The District Registrar (Administration),
Registration Department, South Road,
Nagercoil - 629 001,
Kanniyakumari District..

3. The Sub Registrar,
Sub Registrar Office - Registration Department,
Ganapathipuram (Post),
Rajakkamangalam - 629 502,
Kanniyakumari District..

4. K.Rajamani

5. C.Sirumani

... Respondents



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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 order Mu.Mu.No.642/Aa.1/2019 dated 29.09.2020 passed by the 2nd respondent and the order Na.Ka.No. 4851/Tha.Pi/2021 dated 11.03.2022 passed by the 1st respondent and quash the same and consequently, direct the 2nd respondent to proceed with and pass appropriate orders under Sec.77(A) of the Registration (Tamil Nadu Second Amendment) Act 2021, cancelling the Sale Deed Doc.No.676/2007 dated 20.02.2007 executed by the 4th respondent in favour of the 5th respondent selling petitioners 1½ cents of vacant site situated in Survey No.320/8 ...

For Petitioner : Mr.S.Suresh Kumar
For Respondents : Mr.P.Subbaraj for R1 to R3
Special Government Pleader
NO appearance for R4 & R5

ORDER

The writ petition has been filed challenging the order of the 2nd respondent dated 29.09.2020 and the order dated 11.03.2022 passed by the 1st respondent and consequently, direct the 2nd respondent to proceed with and pass appropriate orders under Sec.77(A) of the Registration (Tamil Nadu Second Amendment) Act 2021, cancelling the Sale Deed Doc.No.676/2007 dated 20.02.2007 executed by the 4th respondent in



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favour of the 5th respondent selling petitioners 1½ cents of vacant site situated in Survey No.320/8 in Vembanur Village, Agastheeswaram Taluk, Kanyakumari District and registered at the 3rd respondent Rajakkamangalam Sub Registrar Office as a fraudulent document and invalid in law.

2. The case of the petitioner is that the subject property is the ancestral property of the petitioner, which has been fraudulently registered by the 4th respondent in favour of the private respondents and in order to cancel the same, the petitioner has given a complaint before the respondent authorities on the ground that the petitioner's survey number has been used for registration. For the enquiry to be conducted by the authorities, notice was sent to the respondents 4 and 5, however, the 5th respondent refused to receive the same and the authorities have stated that they are not in a position to find out which survey number belong to the petitioner. It is the petitioner's case that the land in S.No. 320/8 belong to the petitioner has been wrongly mentioned in the document registered in favour the private respondents. Hence, challenging the same, the petitioner is before this court.



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3. In such view of the matter, the respondents could not go into the title issue. If really the petitioner's land has been sold and document has been executed in some other name, the proper way for the petitioner is to file a suit to cancel the same and not by way of filing writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

05.09.2024

RR

TO

1. The Deputy Inspector General,
Of Registrations and Appellate Officer,
Registration Department, Tirunelveli Region,
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2. The District Registrar (Administration),
Registration Department,
South Road,
Nagercoil - 629 001, Kanniyakumari District..
3. The Sub Registrar,
Sub Registrar Office - Registration Department,
Ganapathipuram (Post),
Rajakkamangalam - 629 502,
Kanniyakumari District..

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N.SATHISH KUMAR,J

RR

**ORDER
IN
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Date : 05/09/2024