



W.P.(MD)No.29026 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.29026 of 2022
and
W.M.P.(MD)No.23002 of 2022

P.Muthukumar

... Petitioner

Vs.

1.The District Registrar,
Tirunelveli.

2.Raguramiah

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings in proceedings No.5766/E2/2022, dated 29.01.2022 on the file of the 1st respondent and quash the same as illegal.

For Petitioner

: Mr.S.Packiaraj

For Respondents

: Mr.M.Siddarthan,
Addl. Govt. Pleader for R1
Mr.A.Sivasubramanian for R2



W.P.(MD)No.29026 of 2022

ORDER

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This Writ Petition has been filed for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings in proceedings No. 5766/E2/2022, dated 29.01.2022 on the file of the 1st respondent and quash the same as illegal.

2. It is the case of the Writ Petitioner that one Ramasubramaniam, a power holder of one Ramasamy Thevar entered into sale agreement with the petitioner. Based on the sale agreement, the petitioner got ex-parte decree of specific performance in O.S.No.81/2008 before the Sub Court, Valliyoor. Based on the said judgment, the sale deed was registered in favour of the petitioner on 25.08.2010. After 12 years, the son of Ramasamy Thevar, the 2nd respondent filed a complaint before the 1st respondent alleging that the subject properties were settled in his name by his father Ramasamy Thevar on 28.01.2004 and the power deed issued to Ramasubramaniam by his father was cancelled on 28.01.2004 and hence, seeks to cancel the sale deed executed by the civil Court in favour of the petitioner on 25.08.2010. Based on the said complaint, the 1st respondent issued the impugned proceedings dated 29.01.2022, directing the petitioner to appear for enquiry. Challenging the same, the petitioner has filed this Writ Petition.



W.P.(MD)No.29026 of 2022

WEB COPY

3. The respondents have not filed their counter affidavit.

4. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is of the view that the dispute is only with regard to the rival parties claiming title over the property. Further, the registering authorities have no power to go into the title as declared by the Hon'ble Supreme Court in *Satya Pal Anand vs. State of Madhya Pradesh and others* reported in (2016) 10 SCC 767 and hence, the notice impugned, directing the petitioner to appear for enquiry, is not sustainable in law and the same is liable to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned proceedings dated 29.01.2022 issued by the first respondent stands quashed. No costs. Consequently, connected miscellaneous petition is closed.

vsm

27.08.2024

NCC : Yes/No

Index : Yes/No

3/4



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W.P.(MD)No.29026 of 2022

N.SATHISH KUMAR, J.

vsm

To

The District Registrar,
Tirunelveli.

W.P.(MD)No.29026 of 2022

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