



WP(MD). No.27390 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.27390 of 2023
and WMP(MD) Nos.23530 and 23531/2023**

Pannirselvam

... Petitioner

Vs

1. The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome Highways,
Chennai 600028..

2. The District Registrar,
O/o. District Registrar,
Virudhunagar,
Virudhunagar District..

3. The Sub Registrar,
Keelarajakularaman Registrar Office,
Virudhunagar District..

4. The Thasildhar,
Rajapalayam Taluk,
Virudhunagar District..

5. L.Natarajan,

... Respondents



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PRAYER :-

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Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 04.09.2023 passed by the 2nd respondent in Na.Ka.No.916/Aa5/2023 and quash the same as illegal and consequently direct the respondent No.3 herein to not to register any document in respect of the land comprised Sur.No.907/1C, 908/2 and 660/1 admeasures to an extent of 30 cents situated at melarajakularaman Village, Rajapalayam Taluk, Virudhunagar District till the disposal of the appeal pending on the file of the 1st respondent in Appeal No.3564904 of 2023.

For Petitioner : Mr.C.Senthil Murugan,
For Respondents : Mr.C.Satheesh
Government Advocate for R1 to R4
Mr.S.M.P.Amalan for R5

ORDER

This writ petition has been filed challenging the impugned order of the the 2nd respondent in Na.Ka.No.916/Aa5/2023 and consequently direct the respondent No.3 herein to not to register any document in respect of the land comprised Sur.No.907/1C, 908/2 and 660/1 admeasures to an extent of 30 cents situated at melarajakularaman



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Village, Rajapalayam Taluk, Virudhunagar District till the disposal of the appeal pending on the file of the 1st respondent in Appeal No.3564904 of 2023.

2. Heard the learned counsel on either side.

3. I have considered the rival submissions and perused the materials available on record.

4. It is the case of the petitioner that in and by the impugned order, the documents sought to be registered have been cancelled. The property is absolutely the Hindu joint family property, out of which, the 5th respondent, who is the brother of the petitioner and other legal heirs have right. While so, the 5th respondent executed a settlement deed for 30 cents in favour of the petitioner and other legal heirs. Rest of the property was in his favour. While so, now it is alleged by the 5th respondent that fraudulently the property was registered in favour of the petitioner and other legal heirs and sought to cancel the same. It is the complaint of the 5th respondent that the property absolutely belong to



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him, which was fraudulently transferred in the name of the petitioner and others. Pursuant to the said complaint, the said document has been cancelled through the impugned order, challenging which, the petitioner is before this Court.

5. At the outset, the very allegation clearly shows that whether the petitioner alone is the brother, who has been granted permission to reside in the premises or brothers have exercised possession independently are the disputed facts, which have not been established. Merely on the allegation, the document has been cancelled.

6. The Apex Court had repeatedly held 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*. Therefore, in the case on hand, entertaining of the complaint by any party and cancelling the document are per se illegal. It is for the parties to work out their remedy before the civil court.



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7. Accordingly, the writ petition is allowed and the impugned order is quashed. No costs. Consequently connected Miscellaneous Petitions are closed.

05.09.2024

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TO

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Chennai 600028..

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N.SATHISH KUMAR,J

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