



W.P (MD).No.28535 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.28535 of 2024

and

W.M.P.(MD)No.24203 of 2024

R. Rajaniraiyan

... Petitioner

Vs.

1. The District Registrar
Office of the District Registrar,
Sivagangai,
Sivagangai District.
2. The Sub Registrar
Office of the Sub Registrar,
Madagupatti,
Sivagangai,
Sivagangai District.

3. R.Perunithi

4. R.Rajamarthandam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 1st respondent in Na.Ka.No. 4823/A1/2024 dated 24.10.2024 and quash the same and consequently direct 1st respondent to conduct enquiry in view of the section 68(2) of the Registration Act, 1908, based on the petitioner's representation dated 18.10.2024.



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For Petitioner : Mr.S.Rabeek Raja

For Respondents : Mr.M.Sarangan
Additional Government Pleader
for R1 & R2

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 24.10.2024 thereby rejected the request made by the petitioner to conduct conduct enquiry in respect of sale deed by his mother vide Document No.127/2014.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The petitioner's father was adopted by his grand father by the registered adoption deed vide Document No.4912/1986 dated 10.01.1986, dated 10.01.1986. The petitioner's father is only being a legal heir. He derived title over the property comprised in Survey Nos.355/6, 355/7, 369/1, 373/3,



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373/5, 449/3, 448/12, 453/5, 399/11, 404/8 and 407/2, situated at Puthuvalavu, Okkur Post, Sivagangai District. Thereafter, he had executed gift settlement deed in favour of the petitioner and one Absara @ Navitha, who is the sister of the petitioner, by appointing the petitioner's mother as guardian. The third respondent herein as natural guardian in the gift settlement deed vide Document No.559/2007 in respect of the subject property. After attaining majority, the petitioner came to understand that the property which was settled in his favour was already sold out by the petitioner's mother in favour of the fourth respondent herein. At the time of sale, the petitioner was minor and as such, he lodged a complaint before the first respondent stating that as per Section 8 of the Hindu Minority Guardianship Act, 1956, no transfer of ownership can be done with respect to the property belongs to the minor, without the prior permission of the Court. However, the complaint was rejected on the ground that the first respondent, who is being the registering authority has no power of jurisdiction to enquire the complaint submitted by the petitioner for cancellation of the document.

5. In fact, already the Hon'ble Division Bench of this Court in the case of Amarunish V. M.A.Thirunavukkarasu made in W.A.No.2663 of 2022, dated 21.03.2024, held that the registering authority, viz., Sub Registrar or the



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District Registrar has no power of authority to enquire under Section 77-A of the Registration Act. In pursuant to any circular or any order or direction passed, the District Registrar or registering officer to cancel the registration or invalidating any transaction.

6. In view of the above, the request made by the petitioner is rightly rejected and this Court find that there is no infirmity or illegality in the order passed by the first respondent.

7. Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to approach the civil Court in the manner known to law, if so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

Internet : Yes
Index : Yes/No
NCC : Yes/No
LS

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G.K.ILANTHIRAIYAN, J.

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