



W.P.(MD) No.27900 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.27900 2023

and

W.M.P.(MD)Nos.23999 and 24000 of 2023

K.Sanjai Kumar

...Petitioner

-vs-

1.The District Registrar (Admin),
Integrated Registration Department Building,
Thanjavur District Registration Office,
Tamil University (Post),
Thanjavur-613 010.

2.M.Muruganandam

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari, to call for the entire records in connection with the impugned proceedings of the first respondent in Mu.Mu.No.3826/Aa4/2022 dated 04.05.2023 and quash the same.

For Petitioner

: Mr.G.Susiladevi

For R1

: Mr.M.Siddharthan

Additional Government Pleader

For R2

: Mr.M.Kannan



W.P.(MD) No.27900 of 2023

ORDER

WEB COPY

The petitioner has filed this writ petition challenging the proceedings of the first respondent in Mu.Mu.No.3826/Aa4/2022, dated 04.05.2023.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.It is the case of the petitioner that the petitioner had purchased the subject property by way of a registered sale deed, dated 10.09.2002 and he is in possession and enjoyment of the same from the date of purchase. While so, the predecessor of the petitioner's vendor attempted to disturb the possession of the property and hence, the petitioner filed civil suits with regard to the subject property and the same are pending. While that being so, the first respondent based on the complaint given by the second respondent claiming himself as a power agent to the vendor of the petitioner, had cancelled the documents stood in the name of the petitioner with regard to the subject property. Challenging the same, the petitioner has filed this writ petition.



WEB COPY



W.P.(MD) No.27900 of 2023

4. At the outset, this Court is of the view that whether the sale deed executed in favour of the petitioner is valid or not has not been established in accordance with law. When the petitioner seeks to establish his right on the basis of the registered document, the right created in terms of the said document will take precedent. Further, now the suits filed by the petitioner in respect of the subject property, are pending before the civil Court in O.S.Nos.323 of 2014 and 189 of 2017. Therefore, it is for the parties to establish their right on the basis of the documents in their favour, in the pending suits before the competent civil Court.

5. Further, the Registering Authority has no power to cancel any document as the very Section 77(A) inserted under Registration Act to cancel the registered document, is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. That apart, the issue of title and the fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court in view of the decisions made in *Satya Pal Anand v. State of M.P.*]



W.P.(MD) No.27900 of 2023

**2016 10 SCC 767] and G. Rajasulochana v Inspector General [W.P
29706 of 2024 dated 16.04.2024].**

6.In view of the above, this writ petition is allowed and the order passed by the first respondent in Mu.Mu.No.3826/Aa4/2022 dated 04.05.2023 is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

05.09.2024

Index : Yes / No
Internet : Yes / No
ta

To

1.The District Registrar (Admin),
Integrated Registration Department Building,
Thanjavur District Registration Office,
Tamil University (Post),
Thanjavur-613 010.



WEB COPY



W.P.(MD) No.27900 of 2023

N.SATHISH KUMAR, J.

ta

W.P.(MD) No.27900 of 2023

05.09.2024