

W.A(MD)No.164 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 24.02.2025

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)Nos.164 and 165 of 2025
and
CMP(MD)Nos.1062 and 1064 of 2025

W.A(MD)No.164 of 2025

Ganesan

... Appellant

vs.

1. P.Manikandan
2. The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome Highways,
Chennai - 600 028.
3. The District Registrar (Admn)
Office of the District Registrar,
Madurai.
4. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam, Madurai District.
5. The Tahsildar,
Office of the Tahsildar,
Thirumangalam Taluk Office,
Madurai District.



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6. Ramakrishnan

7. A.R.Vignesh

8. Sri Devi

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.11.2024 made in W.P(MD)No.16979 of 2024.

For Appellant : Mr.R.G.Shankar Ganesh
For R1 : Mr.T.Manikandan
For R2 to R5 : Mr.R.Suresh Kumar
Additional Government Pleader

W.A(MD)No.165 of 2025

Ganesan

... Appellant

vs.

1. P.Manikandan

2. The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome Highways,
Chennai - 600 028.

3. The District Registrar(Admn),
Office of the District Registrar,
Madurai.

4. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam, Madurai.

5. The Sub Registrar,
Office of the Sub Registrar,
Chekkanoorani,
Madurai District.



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6. Ramakrishnan

7. A.R.Vignesh

8. Sri Devi

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.11.2024 made in W.P(MD)No.23545 of 2024.

For Appellant : Mr.R.G.Shankar Ganesh
For R1 : Mr.T.Manikandan
For R2 to R5 : Mr.R.Suresh Kumar
Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

These writ appeals are filed against the common order dated 28.11.2024 made in W.P(MD)Nos.16979 and 23545 of 2024.

2. The facts leading to the filing of these writ appeals are as follows:

The property in S.No.429/1A1A measuring to an extent of 35½ cents situated at **(*)Karadigal** Village, Thirumangalam Taluk, Madurai District, was the ancestral property devolved on the 6th respondent, through family partition. The 1st respondent in both the appeals purchased the said property from the 6th respondent, vide sale deed dated 26.08.2019. Thereafter, the revenue records in respect of the



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said property also got mutated in the name of the 1st respondent. While so, the appellant in both the appeals made a complaint to the Revenue Divisional Officer, seeking to cancel the sale deed dated 26.08.2019 and Patta No.4320 standing in the name of the 1st respondent, on the ground that he purchased the subject property previously. On the said complaint, the Revenue Divisional Officer conducted an enquiry and directed the parties to approach the District Revenue Officer. However, the appellant approached the District Registrar, who after conducting enquiry, by order dated 29.08.2023, cancelled the sale deed dated 26.08.2019 executed in favour of the 1st respondent.

2.1. Challenging the said order, the 1st respondent preferred a statutory appeal before the Inspector General of Registration, Chennai, and the same was pending. While so, taking advantage of cancellation of the sale deed, the appellant took steps for recording of encumbrance in respect of the subject property. Hence, the 1st respondent filed writ petitions seeking disposal of the abovesaid statutory appeal and to remove the encumbrance made in the encumbrance register in respect of the subject property.

2.2. The Writ Court, relying upon the decision of the Division Bench of this Court in *M.Kathirvel and others Vs. Inspector General of Registration and others* reported in **2024 (4) CTC 769**, held that cancellation of the sale deed by the District



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Registrar cannot be sustained and it has become void. Consequently, the Writ Court directed the District Registrar to make an entry of the order passed in the present writ petitions in the books of records in respect of the subject property. The Writ Court also granted liberty to the appellant to approach the civil court for appropriate relief. Aggrieved by the said order, the 5th respondent in the writ petitions have come forward with these appeals.

3. Though the appellant in the memorandum of appeals have raised various grounds, we are not inclined to go into the same, in view of the abovesaid Division Bench judgment in *M.Kathirvel's case (supra)* whereby, Section 77-A, which confers power on the Registrar to cancel the registration of a document either on his own or on a complaint by any person, itself was declared as unconstitutional, holding that the amendment introducing the said provision is beyond the scope, purpose and object of Registration Act. The Writ Court also relying upon the said judgment, has held that the cancellation of the sale deed by the District Registrar is void and consequently directed him to make entry of the order passed in the writ petitions in the books of records in respect of the property in question.

4. In *M.Kathirvel's case (supra)*, the Division Bench has also directed that when there is a *bona fide* dispute involving contentious question of law, the Registering Officer has to relegate the parties to Civil Court. Therefore, the remedy



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available to the parties is to approach the competent Civil Court .

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5. We do not find any infirmity or perversity in the order passed by the Writ Court. It is open to the parties concerned to approach the appropriate Civil Court for appropriate relief.

6. Accordingly, the Writ Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

24.02.2025

(*)Amended as per order of this Court dated 18/07/2025

Sd/-

Assistant Registrar ()

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

bala

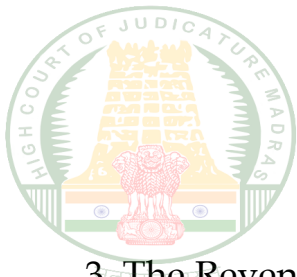
To:-

(*)To be substituted to the order already despatched on 16/04/2025

To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome Highways,
Chennai - 600 028.

2. The District Registrar (Admn)
Office of the District Registrar,
Madurai.



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3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam, Madurai District.

4. The Tahsildar,
Office of the Tahsildar,
Thirumangalam Taluk Office,
Madurai District.

5. The Sub Registrar,
Office of the Sub Registrar,
Chekkanoorani,
Madurai District.

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-12054[F] dated 25/02/2025)

+1 CC to M/s.SPL.GP (SR-12198[F] dated 25/02/2025)

W.A(MD)Nos.164 and 165 of 2025
DATED : 24.02.2025

AS -(27.03.2025) 7P/ 7C

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JJ/19.08.2025 7P/ 8C

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