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W.A.(MD)NO.70 OF 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.06.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.70 of 2025 AND**

**C.M.P.(MD)No.381 of 2025**

1. Sonaimuthu
2. S.Saravanakumar
3. S.Balasubramanian
4. M.Subha

... Appellants/ Respondents 3 to 6

Vs.

1. D.Ayyappan
2. Kavitha
3. Vijaya
4. Annakannu
5. Saroja

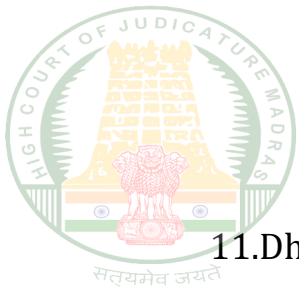
... Respondents 1 to 5 /  
Writ petitioners

6. The District Registrar Officer South  
District Registrar Officer South,  
Madurai.

7. The Sub Registrar Office,  
Madurai South,  
Madurai.

... Respondents 6 & 7 /  
Respondents 1 & 2

8. S.Gopi
9. S.Senthilkumar
- 10.S.Kannan



11.Dhanapalan

... Respondents 8 to 11 /  
Respondents 7 to 10

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**Prayer:** Writ Appeal filed under Clause 15 of Letters Patent, to call for the records and set aside the order passed in W.P.(MD) No.9865 of 2024 dated 19.10.2024 on the file of this Court and allow the above writ appeal.

For Appellants : Mr.B.Jameel Arasu

For R-1 to R-5 : Ms.B.Bhuvaneshwari

For R-6 & R-7 : Mr.S.Saji Bino,  
Special Government Pleader.

For R-8 to R-10 : Mr.G.Rajendran

\* \* \*

### **J U D G M E N T**

**(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard both sides.

2. The case on hand pertains to execution and registration of as many as six documents on the file of the Sub Registrar Office, Madurai South.



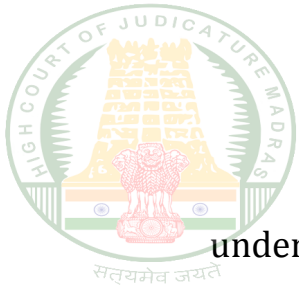
3. The writ petitioners wanted the said documents to be cancelled. The District Registrar, Madurai South declined to do so. Challenging the order dated 25.09.2023 passed by the District Registrar, Madurai South, W.P.(MD)No.9865 of 2024 was filed. The writ petition came to be disposed of on 19.11.2024 in the following terms:-

“ 7.Accordingly, the order passed by the first respondent, dated 25.09.2023 is quashed and the matter is remitted back to the first respondent for conducting fresh enquiry, in the light of the cancellation of the legal heirship certificate dated 15.12.2023, after giving due opportunity of hearing to the petitioners as well as respondents 3 to 10 herein and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Further, the first respondent is also directed to look into the recital of the deeds which were executed by the respondents 3 to 6 with regard to the derived title over the subject properties. The second respondent is directed to initiate prosecution as against the respondents 3 to 6 for the production of a forged legal heirship certificate while registering the settlement deed, partition deed and sale deed.”



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4. The properties in question originally belonged to one Subramani Pillai. Admittedly, Subramani Pillai had five legal heirs including his wife. The first appellant Sonaimuthu was one of them. However, Sonaimuthu managed to obtain legal heir certificate as if he was the sole legal heir of Subramani Pillai. In fact, the said document forms one of the basis for registering the petition-mentioned documents. Of course, the registering authority is not competent to cancel the document that has already been registered. The parties have to necessarily move the jurisdictional civil Court. In fact, the learned single Judge was fully cognizant of the legal position. Since Section 77A of the Registration Act had been struck down as unconstitutional by the Hon'ble Division Bench of Madras High Court. However, the learned single Judge invoked Section 83 of the Registration Act for ordering prosecution under Section 82 of the Registration Act which penalises making false statements in any proceeding under the Act. We cannot casually brush aside the conduct of the first appellant. In this view of the matter, we do not find any ground to interfere. This writ appeal stands dismissed. The scope of the enquiry would be limited to the finding out if any offence



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under the Registration Act has been committed. No costs.

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Consequently, connected miscellaneous petition is closed.

**(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)**

**20<sup>th</sup> June 2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
PMU

**To:**

1. The District Registrar Officer South  
District Registrar Officer South,  
Madurai.
2. The Sub Registrar Office,  
Madurai South,  
Madurai.



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**AND**

**K.RAJASEKAR, J.**

PMU

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