

W.P.(MD)No.1262 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.(MD)No.1262 of 2025

and

W.M.P.(MD)Nos.858, 859 and 861 of 2025

Deivakunjari

... Petitioner

vs.

1.The District Registrar, Sivagangai District.

2.The Sub Registrar,
Karaikudi, Sivagangai District.

3. Alagumeenal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the Impugned Order in Mu.Mu.No.5189/E1/2022 dated 30.08.2023 on the file of 1st respondent and quash the same.

For Petitioner	:Mr.Adhithya for Mr.G.Prabhu Rajadurai
For R1 and R2	:Mr.N.Ramesh Arumugam Government Advocate
For R3	:Mr.S.Srinivasa Ragavan



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ORDER

The petitioner challenges the impugned order passed by the first respondent, dated 30.08.2023.

2.The case of the petitioner is that the property situated in S.No. 758/3 measuring to an extent of 1.10 acres of Sathanendhalpatti Village, Zamin Aramanai Siruvayal, Karaikudi Taluk, Sivagangai District belong to the Government. The Government assigned the property to one Durairaj. Durairaj father, Karuppiah, had two wives, namely, Alagu and Meenal. Durairaj and his sister, Duraikannu were born to the first wife and it was after the death of Alagu, Karuppiah married Meenal. From this wedlock, one Angusamy was born.

3.The petitioner pleaded that Durairaj died issueless leaving behind his sister, Duraikannu and Meenal to succeed to the estate. The second wife's son, Angusamy married his step sister's daughter one Alagumeenal, who is the third respondent before me. Angusamy, claiming that he is entitled to the entire property, had executed a sale deed, dated 10.08.2006, in favour of one Gokula Indira. The said Gokula Indira executed a registered sale deed in favour of one Subramani on 07.05.2008. The said Subramani transferred the



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property in favour of one Vembiah on 28.07.2011 and finally,

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4.The petitioner alleges that the third respondent, Alagumeenal files a petition under Section 77A of the Registration Act before the first respondent seeking cancellation of the sale deed, dated 10.08.2006. The District Registrar also cancelled the sale deed, dated 10.08.2006, by way of his order, dated 30.08.2023.

5.Pleading that the power of the first respondent to cancel a registered document has been taken away by virtue of the judgment of the Division Bench of this Court in ***M.Kathirvelu vs Inspector of General Registration*** reported in **2024 (4) CTC 769**, the petitioner has come forward with this Writ Petition.

6.When the matter came up for admission, notice was ordered to the private respondents. Mr.N.Ramesh Arumugam, learned Government Advocate appears for the respondents 1 and 2 and Mr.S.Srinivasa Ragavan has entered appearance for the third respondent.



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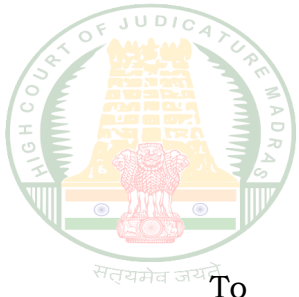
7.The impugned order passed by the first respondent is on the strength of Section 77A of the Registration Act. As rightly argued by Mr.Adithya, the said provision has been declared unconstitutional by the Division Bench of this Court in the judgment cited supra. Once the provision itself is declared unconstitutional, any order passed on the basis of that provision would also have to fall to the ground. Hence, this Writ Petition succeeds. The impugned order passed by the first respondent, dated 30.08.2023, is quashed.

8.It is open to the Writ Petitioner or the third respondent to approach the jurisdictional civil Court and workout their rights in accordance with law. In such an eventuality, it is upto the parties to convince the Court that the suit is filed within time by invoking Order VII Rule 6 of CPC r/w Section 14 of the Limitation Act.

9.With the above, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
NCC :Yes / No
cmr

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