

W.P.(MD).No.1981 of 2023

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

DATED : 09.04.2025

CORAM :

**THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.1981 of 2023 &  
W.M.P.(MD).Nos.1746 & 1744 of 2023

A.Haidurose

.. Petitioner

**Versus**

1.The District Registrar (Administration),  
Palayankottai,  
Tirunelveli District.

2.The Sub Registrar,  
Palayankottai Joint-I,  
Tirunelveli District.

3.A.S.Sekeshiyatu

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorari calling for the records of the impugned order of the first respondent herein in his proceedings in Na.Ka.No.4115/A3/2022 dated 05.12.2022 and quash the same as illegal.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.P.T.Thiraviyam,  
1 & 2 Government Advocate

For Respondent 3 : Mr.J.Parekh Kumar



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**ORDER**

I heard Mr.R.Murugan for the petitioner, Mr.P.T.Thiraviyam for the respondents 1 and 2 and Mr.J.Parekh Kumar for the third respondent.

2. The petitioner states that the property situated in S.No.316, Cherankovilpathu Village, Cheranmahadevi Taluk, Tirunelveli originally belonged to his father, Abdul Ali. The revenue records stood in his favour as well. He pleads that Abdul Ali transferred the property in his favour, by way of a registered Settlement Deed vide document No.1935/2015 dated 30.04.2015.

3. The petitioner pleads that the third respondent has lodged several complaints against him before the Cheranmahadevi Police Station which resulted in the lodging of a criminal complaint in Crime No.116/2017. He pleads that the third respondent gave a representation to the first respondent pleading that the Settlement Deed executed in favour of the petitioner is a forged one, and that it is liable to be cancelled. The petitioner states that the first respondent commenced an enquiry invoking Section 68(2) of the Registration Act.



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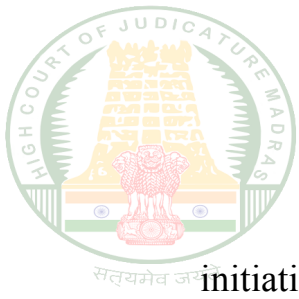
4. When the matter was posted for enquiry, the petitioner pleaded that he was suffering from medical ailments and therefore, not in a position to present his case before the first respondent. Hence, he sought time from the first respondent. However, the first respondent did not grant time and proceeded to pass the impugned order. Challenging the same, the present writ petition.

5. The petitioner pleads that the order suffers from two errors, namely,

- (i) violation of principles of nature justice and
- (ii) the order suffers from lack of jurisdiction.

6. Mr.R.Murugan reiterated the contentions made in the affidavit.

7. Per contra, Mr.P.T.Thiraviyam and Mr.J.Parekh Kumar plead that no order adverse to the petitioner has been passed in exercise of the administrative power under Section 68(2). All that the official respondents have done is to direct that no further documents must be registered pursuant to the Settlement Deed in document No.1935 of 2015, and have directed the



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initiation of proceedings against the concerned Sub Registrar, namely Mr.Mani, and finally directed the parties to approach the jurisdictional Civil Court. Hence, they plead that the petitioner is not aggrieved and seek for dismissal of the writ petition.

8. I have carefully considered the submissions of the petitioner and the respondents. I have gone through the records.

9. The scope of Section 68 has been dealt with by the Supreme Court in *Satya Pal Anand v. State of M.P., (2016) 10 SCC 767*. The Supreme Court had held that once a document is registered, it is not open to any of the authorities to cancel the registration. It further pointed out that when the document has been property presented, the said presentation cannot be reopened at the instance of the authorities under the Registration Act. The power to cancel the document, being a substantive power, the Court had held that even the Inspector General of Registration, the highest authority under the Registration Act, does not have the power to order cancellation of a document.



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10. Mr.P.T.Thiraviyam is right in stating that the first respondent has held that the parties would have to approach the jurisdictional Civil Court to work out their rights over the property. However, the authority has further directed that no documents must be registered on the basis of the settlement deed executed in favour of the writ petitioner. Such an order in the nature of an order of injunction cannot be granted by the first respondent. If the third respondent is aggrieved over the act of registration or the patta, on the basis of which records had been mutated is forged, then his remedy is only to approach the jurisdictional Civil Court and obtain a declaration to that effect.

11. It is always open to the first respondent to initiate action against his subordinates, as he has done against the Sub Registrar in the present case. However, he is not entitled to pass an order in the nature of affecting the rights of the third parties. Such a power is available only with the jurisdictional Civil Court.

12. In the light of the above discussion, the impugned order is quashed. It is always open to the parties to approach the jurisdictional Civil Court. The writ petition is allowed. No cost. Consequently, the connected



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miscellaneous petitions are closed. The time taken from 25.01.2023 till the receipt of a certified copy of the order passed in the present writ petition will stand excluded for the purpose of presenting a suit.

09.04.2025

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Index : yes/no  
Speaking order/Non-speaking order  
Neutral Citation : yes/no



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**V.LAKSHMINARAYANAN, J.**

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