



W.P.(MD).No.5070 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.02.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.5070 of 2025

Sankaran

.. Petitioner

Vs.

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.120, Santhome High Road,
Chennai - 600 028.

2.The District Registrar (Administration),
Tenkasi District,
Tenkasi.

3.The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.

4.Mariyappan

5.Chithiraivel

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.975/Aa2/2024 dated 31.05.2024 and quash the same as illegal.

For Petitioner : Mr.P.Krishnasamy



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W.P.(MD).No.5070 of 2025

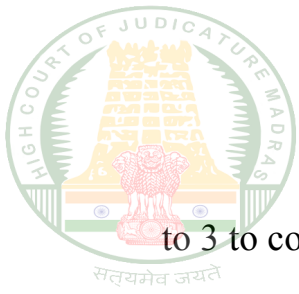
For R-1 to R-3 : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The Writ Petition seeks for issuance of Certiorari to quash the proceedings of the second respondent in Na.Ka.No.975/Aa2/2024 dated 31.05.2024.

2. The case of the petitioner is that his father, Velu Asari was the owner of the property to an extent of 1 acre and 35 cents in Survey No.209/3A1, Railway Feeder Road, Sankarankovil, Tenkasi District. He had executed a sale deed in favour of one Seeniammal to an extent of 1 acre and 1 $\frac{3}{4}$ cent. As this sale left out 33 and $\frac{3}{4}$ cents in the hands of Velu Asari, the petitioner claimed that on his father's death, he became the owner of the same.

3. He alleged that Seeniammal, after the purchase of 1 acre and 1 $\frac{3}{4}$ cent executed a sale deed in favour of one Mariappan for 1 acre and 35 cents. According to the petitioner, the sale by Seeniammal for the excess of 33 and $\frac{3}{4}$ cents is illegal. Hence, he made a representation to the respondents to cancel the sale deed. Thereafter, a Writ Petition was filed before this Court in W.P. (MD).No.31124 of 2023. He sought for a Mandamus to direct the respondents 1



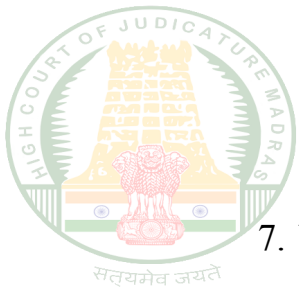
W.P.(MD).No.5070 of 2025

to 3 to conduct an enquiry and to pass orders. This Writ Petition was disposed of on 22.12.2023. This Court specifically held that it is not going into the merits of the matter. But as a representation had been made, it directed the District Registrar (Administration) Tenkasi, to conduct an enquiry and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of that order.

4. Pursuant to the directions given by this Court, the second respondent herein had passed orders rejecting the claim of the petitioner. Aggrieved by the same, the present Writ Petition.

5. I heard Mr.P.Krishnasamy for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents 1 to 3.

6. The narration of the facts shows that the claim of the petitioner is that Seeniammal, the purchaser from Velu Asari, had sold more than what she had purchased from Velu Asari. The petitioner claims that on the death of Velu Asari, he succeeded to his estate and therefore, he is entitled to an extent of 33 and $\frac{3}{4}$ cents, which is covered by the sale made by Seeniammal in favour of Mariappan.



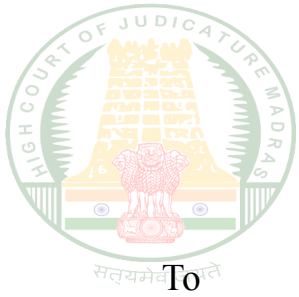
W.P.(MD).No.5070 of 2025

7. Neither the Registration Act nor the Rules made thereunder empower the second respondent to decide matters of title. In fact, there was a provision under Section 77A, that empowered the second respondent to pass orders cancelling documents. Unfortunately, for the petitioner, a Division Bench of this Court in *M.Kathirvel Vs. Inspector General of Registration and others, 2024 (4) CTC 769*, declared the said provision as unconstitutional. The Registration Act and the Rules, as they stand today, do not empower the authorities constituted under the Registration Act to give any succour to the petitioner. In my view, the appropriate remedy for the petitioner is to approach the jurisdictional Civil Court and seek a declaration of title along with consequential relief in the form of injunction or possession.

8. In the light of the above discussion, I am not in a position to agree with the submissions of Mr.P.Krishnasamy. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

25.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



W.P.(MD).No.5070 of 2025

To

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No.120, Santhome High Road,
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W.P.(MD).No.5070 of 2025

V.LAKSHMINARAYANAN,J.

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W.P.(MD).No.5070 of 2025

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