

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.9648 of 2024

and

W.M.P(MD)Nos.8741 and 8742 of 2024

T.Jeyaraj

... Petitioner

Vs

1.The Deputy Inspector General of Registration,
Madurai Region,
Y.Othakadai,
Madurai.

2.The District Registrar,
Madurai South,
Madurai.

3.M.Dhanasekaran

4.M.Jawahar

5.D.Sugumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorari calling for the records relating to the proceedings of the second respondent made in Na.Ka.No. 4369/A2/2022, dated 14.10.2022 and the consequential proceedings of the first respondent made in Na.Ka.No. 13395/Aa4/2023, dated 26.10.2023 and to quash the same.

For Petitioner : Mr.R.Murali



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For RR 1 and 2 : Mr.M.Sarangan
Addl.Govt.Pleader

For RR – 3 and 4 : Mr.K.Neelamegam

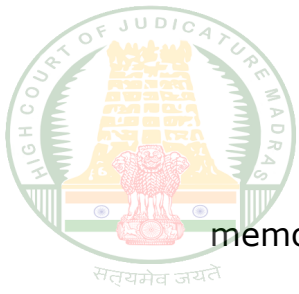
For RR-5 : Mr.V.P.Rajan

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent, dated 14.10.2022 thereby declaring the sale deed executed in favour of the Petitioner as fraudulent one and the order passed by the first respondent, dated 26.10.2023 thereby confirming the order passed by the second respondent.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner had purchased the property comprised in S.Nos.140/3 to an extent of 98 cents, 140/4 to an extent of 78 cents, 141/4 to an extent of 87 cents, 141/5 to an extent of 73 cents and 143/2C to an extent of 31 cents, totally 3 acres and 67 cents situated at Thennur Bit II Village, Cholavanthan Sub Registrar Office, Old Madurai North Taluk,Madurai by registered sale deed, dated 10.09.2001 vide document No1652.Thereafter the Petitioner had mortgaged the property and availed loan by depositing the



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memorandum of deposit of title deeds and registered vide document No.2311 of 2008, dated 18.11.2008. While being so, the respondents 3 and 5 lodged a complaint before the second respondent alleging that the third respondent was impersonated and got executed the sale deed in favour of the Petitioner on 10.09.2001. Further alleged that the father of the respondents 3 and 4 partitioned the subject property, in which, half share of the property was allotted in favour of father of respondents 3 and 4 and remaining half share was allotted in favour of fifth respondent's father. However the respondents 3 and 4 had executed a sale deed in respect of the entire extent of the property in favour of the Petitioner. After conducting due enquiry, the second respondent concluded that the share of the fifth respondent's father also sold out in favour of the Petitioner. Therefore, the entire sale deed itself is fraudulent and Sub-Registrar II concerned had recorded the same stating that not to register any document in respect of the subject property. Aggrieved by the same, the Petitioner filed an appeal before the first respondent and the same was also dismissed and confirmed the above said order.

4.The learned counsel for the Petitioner submitted that though the third respondent specifically alleged that he was impersonated



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and executed a sale deed, the respondents 1 and 2 did not come to the conclusion that he was impersonated and executed the sale deed by impersonator. Insofar as the half portion of the property is concerned, respondents 3 and 4 had title over the property and as such, the entire sale deed cannot be declared as fraudulent one. That apart, the Petitioner filed a suit for declaration of title in his favour in respect of the entire extent of the property in O.S.No. 109/2019 and it is pending trial on the file Madurai Taluk Munsif Court, Madurai.

5. On perusal of the counter filed by the second respondent and on the submissions made by the learned counsel for the second respondent, it is seen that the properties originally belong to Mayakaruppa Nadar and his son Muniappa Nadar. Mayakaruppa Nadar executed a Will in favour of Duraipandi, father of fifth respondent herein in respect of the property to an extent of half share in the subject properties excluding the share of Mayakaruppa Nadar. While being so, the said Muniappa Nadar, son of Mayakaruppa Nadar has filed a suit for partition in O.S.No.369 of 1979 against Mayakaruppa Nadar and legal heirs of Duraipandi Nadar. The said suit was decreed and allotted 50% of the share in favour of Mayakaruppa Nadar and 50% of the share was allotted to



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Duraipandi Nadar. Therefore, the respondents 3 and 4 have only half share in the subject property and they have no title over the entire extent of the property. However, the respondents 3 and 4 had executed a sale deed in respect of the entire extent of the property in favour of the Petitioner. Thereafter, the third respondent himself lodged a complaint alleging that he was impersonated and had executed a sale deed in respect of the entire extent of the property though the respondents 3 and 4 had only title in respect of half share in the subject property.

6.The learned counsel for the respondents 3 and 4 submitted that the third respondent was impersonated and executed a sale deed to the entire extent of the subject property since the fourth respondent is a lunatic person and as such, he could not be able to object the impersonation. That apart, the third respondent is residing in Kerala and he was not even present on the date of registration of the sale deed in favour of the Petitioner. That apart, the Petitioner now rightly filed a suit for declaration and it is pending trial.

7.In view of the above, this Court finds no infirmity or illegality in the order passed by the respondents 1 and 2 and as



such, the Writ Petition is devoid of merits and the same is liable to be dismissed.

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8. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed. If the Petitioner succeeds in the suit, the second respondent is directed to restore the sale deed in favour of the Petitioner.

21.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
vsn

To

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Y.Othakadai,
Madurai.

2. The District Registrar,
Madurai South,
Madurai.



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G.K.ILANTHIRAIYAN, J.

vsn

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