



W.A.(MD)No.456 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.456 of 2022

and

C.M.P(MD)No.4340 of 2022

M.L.M.SarojiniAchi

...Appellant /
3rd Respondent

Vs.

1.G.NavakodiPonsekar

... 1st Respondent /
Petitioner

2.The District Registrar,
Admin,
Madurai North Registration Office,
Y.Othakadai,
Madurai.

3.The Sub Registrar,
Office of the Sub Registrar of Registration,
Alanganallur,
Madurai.

4.P.Senthilkumar
5.T.Logagurunathan
6.M.Prabakaran

... Respondents 2 to 6 /
Respondents 1,2, 4 to 6



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 27.04.2022 made in W.P(MD)No.8373 of 2022 on the file of this Court by allowing this Writ Appeal.

For Appellant : Mr.S.Lakshmanasamy

For Respondents : Mr.S.Ramsundar Vijayaraj
for R.1

Mr.R.Suresh Kumar
Additional Government Pleader
for R.3

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The learned counsel appearing for the appellant has made very serious allegations regarding the manner in which some of the registration officials had conducted themselves. It is also noted that criminal prosecution is still pending. The civil case appears to have been compromised. In these circumstances, the only issue that calls for consideration is whether this Bench should interfere with the order passed by the learned single Judge. The learned single Judge had quashed the order dated 19.04.2022 passed by the first respondent herein



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whereby direction to make certain entries in the encumbrance register

was set aside.

3.We take note of the march of law. It is well settled that the District Registrar of Registration lacks the power to issue such a direction. Our attention is drawn to the decision reported in **(2024) 4 CTC 769 (M.Kathirvel Vs Inspector General of Registration)**. We are of the view that this decision may not have any application to the facts on hand. The Hon'ble Division Bench in the said decision had struck down Section 77 A of the Registration Act. Even though the aforesaid decision may not be applicable, we are still not inclined to interfere for the simple reason that the learned counsel for the appellant is not able to draw our attention to any provision to which the power of the Registrar in passing the impugned order can be traced.

4.Circular 67 has also been withdrawn. Even the orders passed under the circular were also ordered to be recalled. Section 68 of the Registration Act merely confers superintending power of the District Registrar. It does not enable him to direct the registering authority to make any entry in the encumbrance register as regards the character of



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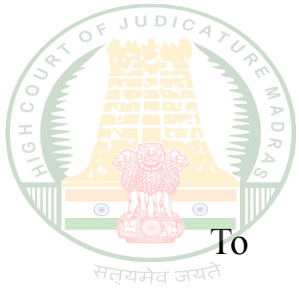
any document. In other words, the dispute raised by the appellant has to be resolved only before the jurisdictional civil Court. It can also be a subject matter of criminal prosecution. We are therefore of the view that the learned single Judge rightly interfered with the impugned order even though on a different ground.

5.The learned counsel for the appellant also states that during the pendency of the appeal, the sixth respondent had already conveyed the property in favour of the appellant and thereafter, the appellant sold the property to a third party.

6.Virtually, nothing survives for further adjudication in this Writ Appeal. With the aforesaid observation, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
24.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA



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To

WEB COPY

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Y.Othakadai,
Madurai.
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AND

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