

W.P(MD)No.12446 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 08.08.2025

PRNOUNCED ON : 01.09.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 12446 of 2024

and

W.M.P(MD)No. 11031 & 11032 of 2024

Raghunath

...Petitioner

Vs.

1. The Inspector General of Registration,
Office of Inspector General of Registration,
Chennai.

2. The District Registrar (Admin),
Kodaikanal, Dindigul District.

3. The Sub Registrar - I,
Kodaikanal, Dindigul District.

4. The Tahsildar,
Kodaikanal, Dindigul District.

5. Saravana Balaji
...Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd respondent vide his proceedings in Na.Ka.No. 5584/A3/2021 dated 29.12.2023 and to quash the same as illegal and consequentially,



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to direct the 2nd respondent to cancel the settlement deed dated 16.07.2009 executed in favour of the 5th respondent registered as Doc.No.1487/09 on the file of the 3rd respondent qua the land comprised in S.No.726/2 (Old S.No.998/1), Thandikudi Village, Kodaikanal Taluk, Dindigul District, pursuant to the application, dated 08.10.2021, preferred by the petitioner within the period that may be stipulated by this Court.

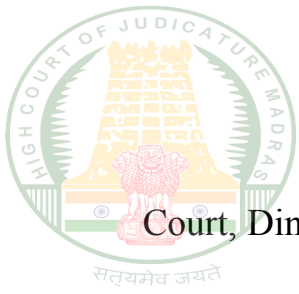
For Petitioner : M/s. H.Jasima Yasmin

For Respondents : Mr.S.Kameshwaran
Government Advocate For R1 to R4
Mr.I.Arockiaselvaraj For R5

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the order passed by the 2nd respondent vide his proceedings in Na.Ka. No.5584/A3/2021 dated 29.12.2023 and consequentially to direct the 2nd respondent to cancel the settlement deed dated 16.07.2009 executed in favour of the 5th respondent registered as Doc. No.1487/09 on the file of the 3rd respondent.

2.The petitioner is the auction purchaser. The auction was conducted to execute the judgment and decree, made in O.S.No.71 of 1966 on the file of the Sub



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Court, Dindigul. The suit was filed by the mortgagor in order to collect the mortgage amount. The property was brought for Court auction sale and the petitioner has purchased the property. The 5th respondent claims title over the property through his grandfather. However, the said grandfather namely Murugaiya Pillai was the mortgagor in the above suit and the mortgagor lost the suit. Therefore, the 5th respondent cannot claim any right over the property. Moreover, the judgment and decree has also attained the finality. However, there was an inter se transaction between the family members. Based on that transaction, the 5th respondent is claiming that the auction sale itself is fraudulent and he has submitted a complaint before the 2nd respondent. Therefore, the 2nd respondent has issued the impugned notice. Challenging, the same, the petitioner has preferred the present writ petition.

3.From the above facts, it is clear that the petitioner is the bona fide auction purchaser. In such circumstances, if the 5th respondent is aggrieved over the judgment and decree in O.S.No.71 of 1966, he is at liberty to file another suit, if so advised. Enquiry cannot be conducted under Section 77-A or Section 83. Therefore, the complaint entertained by the 2nd respondent is erroneous, hence, the impugned order is quashed. However, the settlement deed executed by the 5th respondent shall be marked as a contra entry in the encumbrance certificate. If the petitioner is



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aggrieved by the settlement deed, the petitioner is liberty to file a suit. If any suit is filed, the same shall be considered uninfluenced by the above said observations.

4.With the above said observations, the writ petition is allowed. No Costs.

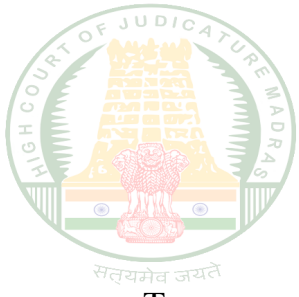
Consequently, connected miscellaneous petitions are closed.

01.09.2025

NCC : Yes / No

Internet : Yes

Tmg



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To:
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S.SRIMATHY, J.

Tmg

ORDER MADE IN
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DATED : 01.09.2025