



W.P(MD)No.18187 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.18187 of 2024

S.Athappan

...Petitioner

Vs.

1. The Secretary,
Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Secretariat,
Chennai-600 009.
2. The Inspector General of Registration,
Registration Department,
Santhome,
Chennai-600 028.
3. The District Registrar,
Registration Department,
Pudukottai.
4. The Sub Registrar,
Kulathur Sub Registrar's Office,
Keeranur,
Pudukottai District.

...Respondents



W.P(MD)No.18187 of 2024

WEB COPY

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in his order dated 31.01.2024 in Na.Ka.1340/A2/2023, quash the same, consequently direct the third respondent to enquire into the matter and dispose it off.

For Petitioner : Mr.K.S.Vamsidhar

For Respondents : Mr.S.Kameshwaran

Government Advocate

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the order of the third respondent dated 31.01.2024 in Na.Ka.1340/A2/2023 and consequently, direct the third respondent to enquire into the matter and dispose it off.

2. The contention of the petitioner is that the property belongs to the petitioner. However, some third party has divided the land into housing plots and sold to several parties, thereby encumbered the property.



W.P(MD)No.18187 of 2024

The petitioner has initially filed a suit in O.S.No.15 of 1995 on the file of the Sub Court, Pudukkottai and later, it was transferred to the file of the District Munsif Court, Keeranur and renumbered as O.S.No.17 of 2004 where an exparte judgment and decree was obtained in his favour. The Court declared the suit property belongs to the petitioner. Therefore, now the petitioner is seeking to cancel the sale deed which was executed by the third party.

3. Since the issue of Section 77A was pending before the Court, there was a direction to the Sub Registrar not to conduct any enquiry under Section 77A. Hence, through the impugned order, the Sub Registrar has refused to conduct any enquiry. This Court is of the considered opinion that if any complaint is preferred, the respondents shall conduct enquiry under Section 83 of the Registration Act. Therefore, the impugned order is quashed. The respondent is directed to conduct enquiry under Section 83 and pass appropriate orders after issuing notice to the petitioner and all other rival claimants within a period of twelve weeks from the date of receipt of a copy of this order. While considering the complaint, the respondent shall take into consideration the judgment and decree obtained in O.S.No.17 of 2004 and pass appropriate orders.



W.P(MD)No.18187 of 2024

WEB COPY

4. With these directions, this Writ Petition stands disposed of.

There shall be no order as to costs.

25.08.2025

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

PJL

To

1. The Secretary,
Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Secretariat,
Chennai-600 009.
2. The Inspector General of Registration,
Registration Department,
Santhome,
Chennai-600 028.
3. The District Registrar,
Registration Department,
Pudukottai.
4. The Sub Registrar,
Kulathur Sub Registrar Office,
Keeranur,
Pudukottai District.



WEB COPY



W.P(MD)No.18187 of 2024



WEB COPY



W.P(MD)No.18187 of 2024

S.SRIMATHY, J.

PJL

ORDER MADE IN

W.P(MD)No.18187 of 2024

DATED : 25.08.2025