



W.A.(MD)No.1369 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.1369 of 2022

K.N.Prabu

... Appellant /
Writ Petitioner

Vs.

1.The District Registrar (Administration),
Registration Department,
Registrar Office,
Karur.

2.The Sub Registrar,
Mala Karur Sub Registrar's Office,
Mala Karur,
Karur District.

3.Sankar

4.S.Nivas

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 26.09.2022 in W.P(MD)No.22348 of 2022 and allow the Writ Appeal as prayed for.

For Appellant : Mr.C.Mahadevan

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate
for R.1 & R.2



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JUDGMENT

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

The appellant herein purchased 53.5 cents of land from the respondents 3 and 4 herein vide sale deed dated 26.04.2018.

2.The grievance of the appellant is that the third respondent subsequently settled 9 cents of land in favour of the fourth respondent (his son) on 09.07.2018. The appellant would allege that this piece of land was described as a “cart track” in the sale deed dated 26.04.2018. Subsequently, the said land was described as an ancestral property.

3.The appellant therefore wanted the District Registrar to cancel the subsequent settlement deed dated 09.07.2018. He also sought initiation of criminal prosecution. The said request made by the appellant vide representation dated 18.07.2019 was rejected by the District Registrar vide proceedings dated 06.12.2019. Challenging the same, the appellant filed W.P(MD)No.22348 of 2022. The writ petition was dismissed by the learned single Judge on 26.09.2022 in the following terms:



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“5.It is seen from the material available on record that the petitioner has purchased undivided 0.53.5 cents out of 3 Acres and 80 Cents, in the above said survey numbers, situated at Lakshmaninarayana Samuthiram Village, Karur Taluk, Karur District, through the registered sale deeds dated 12.06.1974 and 27.03.1979 from the third respondent herein. The third respondent and his sons have retained an undivided extent of 9 cents of land, which was used as cart track. The petitioner has purchased only a part of the land. There are no proper boundaries in the documents. The first respondent has rightly rejected the petitioner's request, which can be decided by the civil court, as the dispute pertains to the title of the suit property. If the petitioner is aggrieved by the said decision of the first respondent, he can approach the Deputy Inspector General of Registration. He has not exhausted the said efficacious and alternative remedy, but straightaway approached this Court. If the dispute is with regard to extent of land between the parties, the same cannot be decided by the respondents 1 and 2 and same has to be decided only by the competent civil court. This Court finds no error in the order of the first respondent, dated 06.12.2019, warranting interference at the hands of this Court and hence, this Writ Petition is liable to be dismissed.”

Challenging the same, this Writ Appeal has been filed.



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WEB COPY 4.The learned counsel appearing for the appellant reiterated all the contentions set out in the memorandum of grounds of Writ Appeal.

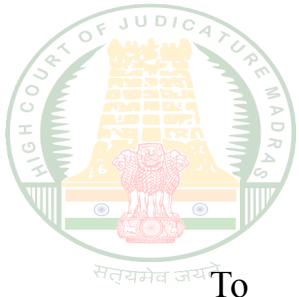
5.We are not impressed or swayed by the said submissions. As rightly pointed out by the learned Government Advocate, the issue is essentially private in nature. If according to the appellant, his vendors have cheated him, it is always open to the appellant to move the jurisdictional civil Court or initiate independent criminal prosecution.

6.It is well settled that a registering authority cannot on his own cancel the registration. The learned single Judge adopted the right approach. Interference with the said order is not warranted.

7.With the aforesaid liberty to the appellant, this Writ Appeal is dismissed. No costs.

[G.R.S., J.] [M.J.R., J.]
04.04.2025

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



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To
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