



W.P.(MD) No.28477 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD) No.28477 of 2023
and
W.M.P.(MD)No.24527 of 2023

S.Murugan

...Petitioner

-vs-

1.The District Registrar (Admin),
District Registrar Office,
Madurai Road,
Viruthunagar,
Viruthunagar District.

2.The Joint Sub Registrar -I,
Joint Sub Registrar Office,
Viruthunagar,
Viruthunagar District.

3.R.Balakrishnan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned order culminated in Na.Ka.No. 1916/A7/2023 dated 04.09.2023 on the file of the first respondent and quash the same as illegal, ultra virus, without jurisdiction consequently direct the third respondent not to alienate or encumber the property



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comprised in S.No.5/1 measuring to an extent of 1.38 Acre situating at Soolakkarai Village, Aruppukottai Taluk, Viruthunagar District.

For Petitioner	: Mr.S.Selvakumar
For R1 & R2	: Mr.P.Subbaraj Additional Government Pleader
For R3	: Mr.S.Venkatesh

ORDER

This Writ petition is filed for issuance of writ of Certiorarified Mandamus, to quash the impugned order dated 04.09.2023 on the file of the first respondent and consequently direct the third respondent not to alienate or encumber the property comprised in S.No. 5/1 measuring to an extent of 1.38 Acre situating at Soolakkarai Village, Aruppukottai Taluk, Viruthunagar District.

2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The case of the petitioner is that the petitioner has purchased the subject property from one Premkumar, who is the power of



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attorney holder of Kanchana and Banumathi. While so, the third respondent claiming right over the subject property, made a complaint before the first respondent to cancel the said power deed dated 17.09.2012. The first respondent after conducting enquiry, without considering the factual aspects had cancelled the power deed executed in favour of the petitioner's vendor as forged one. Hence, this writ petition has been filed.

4. At the outset, the order issued by the first respondent is not valid in the eye of law, since the very Section 77(A) inserted under Registration Act to cancel the registered document, is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. That apart, the issue of title and the fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court in view of the decisions made in ***Satya Pal Anand v. State of M.P.*** [2016 10 SCC 767] and ***G. Rajasulochana v Inspector General*** [W.P 29706 of 2024 dated 16.04.2024].



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5. The validity of the documents cannot be gone into by the registering authorities. It has to be proved by adducing evidence before the competent civil Court.

6. In view of the above settled position of law, the order issued by the first respondent cannot be sustained.

7. Accordingly, the order passed by the first respondent in Na.Ka.No.1916/Aa7/2023 dated 21.09.2023 is hereby set aside. The parties shall work out their remedy before the competent Civil Court.

8. With the above directions, this writ petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

NCC : Yes / No
Index : Yes / No

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S.SRIMATHY, J.

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