



W.P.(MD)No.30382 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.30382 of 2024
and W.M.P.(MD)No.25555 of 2024

N.Seeralan

... Petitioner

/Vs./

1. The Inspector General of Registration,
Santhom High Road,
Chennai - 600 008.
2. The District Registrar (Administration)
Deputy Inspector General of Registration
Virudhunagar.
3. The Joint II Sub-Registrar
Virudhunagar.
4. The Sub Registrar
Kamuthi Sub Registrar Office,
Ramanathapuram District.
5. Muthumari
6. K. Sethuraman

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus, to call for the records relating



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to the order dated 24.02.2017 in Na.Ka. No.4152/Aa4/2016 passed by the 2nd respondent i.e. the District Registrar (Administration) (Deputy Inspector General of Registration), Virudhunagar District, Virudhunagar, and quash the same as illegal and direct the respondents 1 to 4 to delete the impugned document remarks entered in the Encumbrance Certificate with respect to S. Nos.300/3A 300/3B 300/4A and 300/4B of Kamuthi Village, Ramanathapuram District and restore the original entries within a time stipulated by this Court.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.S.P.Maharajan

Special Government Pleader for R1-4

: Mr.N.Balakrishnan for R5

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 24.02.2017, thereby, declared as the document which got registered vide document No.4460/2016 as fraudulent one in respect of the property comprised in S.Nos.300/3A, 300/3B, 300/4A and 300/4B situated at Kamuthi Village, Kamuthi Taluk, Ramanthapuram District.

2. Heard the learned counsel on either side and perused the materials placed before this Court.



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3. The property comprised in S.Nos.300/3A, 300/3B, 300/4A and 300/4B situated at Kamuthi Village, Kamuthi Taluk, Ramanthapuram District, to an extent of 1.39 Acres was purchased from the sixth respondent vide sale deed dated 04.07.2016 in document No.4460/2016. While purchasing the said property, the petitioner verified the revenue records and found that the revenue records stands from the stage of SLR and the revenue records stood in the name of the petitioner's vendors predecessor.

4. While being so, the fifth respondent lodged a complaint before the second respondent for cancellation of the sale deed registered vide document No.4460/2016 in favour of the petitioner on the ground that it was fraudulently executed by impersonating the original owner of the property. After enquiry, the second respondent concluded that the property was executed in favour of the petitioner fraudulently and also by impersonation. Therefore, the sale deed vide document No.4460/2016 was declared as fraudulent one and also directed the registering authority to take appropriate action under Sections 82 and 83 of the Registration



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Act as against the persons, who impersonated and fraudulently registered the sale deed in favour of the petitioner.

5. The learned counsel for the petitioner would submit that aggrieved by the said order, he also preferred an appeal before the first respondent. However, the first respondent once again directed to approach the second respondent. The petitioner is being the bonafide purchaser of the subject property for valuable consideration, now deprived of his right to hold the property for no fault of him.

6. On perusal of the counter filed by the third respondent and on submission made by the learned Special Government Pleader, it revealed that after the impugned order passed by the second respondent, the fifth respondent also alienated the property in favour of third parties, subsequently, they also filed a suit in O.S.No.207 of 2024, adding the petitioner as one of the defendants and it is pending for adjudication. As per the revenue records, the petitioner had purchased the subject property from the sixth respondent by the registered sale deed dated 04.07.2016, vide document No.4460/2016. In the sale deed, they relied patta No.



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9047 in respect of the subject property. However, the said patta stands in the name of the fifth respondent and one Marisamy. The sixth respondent had executed sale deed without clarifying the patta stands in the name of the fifth respondent and one Marisamy. Therefore, there is a title dispute in respect of the subject property and also is pending in the civil suit in O.S.No.207 of 2024 on the file of the Sub Court, Mudhukulathur, Ramanathapuram District.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. However, the petitioner is at liberty to approach the civil Court for appropriate relief. If the petitioner succeeds the civil suit, she can very well approach the second respondent for mutation of revenue records in her name. No costs. Consequently, connected Miscellaneous Petition is closed.

21.01.2025

Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

LS

TO:-

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Order made in
W.P.(MD)No.30382 of 2024

Dated:
21.01.2025