



W.A.(MD)No.653 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

**W.A.(MD)No.653 of 2025
and C.M.P.(MD)Nos.4654 and 4655 of 2025**

R.Narayana Reddiyar

...Appellant

-Vs-

1.C.Kumarasamy
2.C.Thangapandi
3.K.Venkadesh

4.The District Registrar (Admn),
Tirunelveli.

5.The Sub Registrar,
Radhapuram,
Tirunelveli District.

6.V.N.Nagalakshmi
7.V.Iyyappan

...Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, to set aside the order of this Court made in W.P.(MD)No.12204 of 2024 dated 08.11.2024.

For Appellant
For R4 & R5

: Mr.K.R.Manimaran
: Mr.P.T.Thiraviyam
Government Advocate



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JUDGMENT

WEB COPY (Judgment of the Court was made by **J.NISHA BANU, J.**)

This intra-Court Appeal is filed against the order of this Court dated 08.11.2024 in W.P.(MD)No.12204 of 2024.

2. The brief facts of the case are as follows:-

2.1. The land in question originally belongs to one Alwar Reddiar. He died leaving behind his son Venkatachala Reddiar. Later, the said Venkatachala Reddiar died leaving behind his wife V.N.Nagalakshmi and son V.Iyyappan. As such, the said V.N.Nagalakshmi and V.Iyyappan inherited the said property and enjoyed the same jointly. Subsequently, they sold the said property in favour of the respondents 1 to 3, under a sale deed, dated 23.03.1999, registered as document No.301 of 1999. Thereafter, the respondents 1 to 3 partitioned the said property under a partition deed dated 28.04.2014 and registered as document No.1362 of 2014. Thereafter, the first respondent settled his share to his son / third respondent, under a settlement deed dated 19.07.2017 and registered as document No.1555 of 2017.

2.2. Subsequently, the third respondent mortgaged the said property under a mortgage deed dated 16.11.2017 and registered as document No.2831 of



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2017, in the Tamil Nadu Mercantile Bank, Kallikulam Branch, Radhapuram Taluk, and availed loan. In such circumstances, after a lapse of 24 years, one Narayana Reddiyar/appellant herein, as well as the fifth respondent in the writ petition along with one Muthuraja lodged a complaint before the District Registrar (Admn), Tirunelveli, seeking to cancel the sale deeds registered as document Nos.301 of 1999, 1362 of 2014, 1555 of 2017 and 2831 of 2017, by invoking Section 77-A of the Registration Act, 1908, alleging that the vendors of the first respondent had no title over the property.

2.3. On receipt of the said complaint, an enquiry was conducted and the District Registrar/ fourth respondent passed an order in Na.Ka.No.8829/E2/2021, dated 25.04.2023, cancelling the sale deeds as fraudulent documents. Challenging the said order, the respondents 1 to 3 filed the writ petition before this Court, seeking to quash the above impugned order passed by the fourth respondent and the writ petition came to be ordered in favour of the respondents 1 to 3 vide order dated 08.11.2024, thereby granting liberty to the complainants before the fourth respondent, viz. the appellant and one another person to approach the competent Civil Court for appropriate relief in the manner known to law. The concerned Sub-Registrar was also directed to record the quashing of the impugned order in the encumbrance certificate in respect of the subject property



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on production of the certified copy of that order.

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3. According to the learned counsel for the appellant, the fifth respondent is duty bound to conduct enquiry under Part VI of the Registration Act and to strictly comply with the provisions in Section 32 to 35, before accepting any document for registration. Further, he submitted that the fifth respondent did not comply with the provisions of Section 34(3) of the Act and did not conduct any enquiry with the respondents 6 & 7. Therefore, the fourth respondent is bound to conduct enquiry on the complaint presented by the appellant, irrespective of the powers conferred under Section 77 A, which was subsequently struck down by the learned Judge. Hence, the learned counsel seeks the intervention of this Court to set aside the impugned order, thereby allowing the appeal.

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

5. Normally, this Court does not interfere with the discretionary power exercised by the Court unless it is tainted with the arbitrary exercise of such power, patently illegal or capricious. When there is a grievance in respect of title



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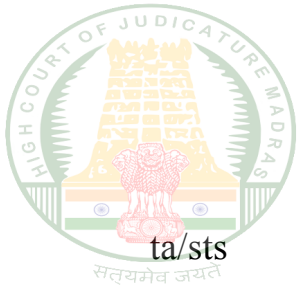
over the subject property, the parties have to necessarily approach the competent Civil Court for appropriate relief instead of approaching the District Registrar, which has been clearly founded by the Writ Court, which this Court finds no infirmity or illegality to interfere with.

6. In the considered opinion of this Court, the appellant cannot approach this Court with the present prayer without exhausting the effective remedy available to him under the Civil forum. Therefore, without going into merits of the case, this writ appeal is disposed by giving liberty to the appellant to approach the appropriate Civil forum, as there is a dispute with regard to title of the subject property.

7. It is also made clear that the subject property shall not be dealt with by the respondents 1 to 3/ writ petitioners till the disposal of the civil proceedings. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (S.S.Y.,J.)
20.03.2025

Index : Yes/No
Internet : Yes/No



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Tirunelveli.

2.The Sub Registrar,
Radhapuram,
Tirunelveli District.



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