



W.A(MD)No.37 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)No.37 of 2025
and
C.M.P(MD)No.279 of 2025**

Thiruvavadudurai Adhinam
Rep. by Inspector, Veeranathan,
S/o.Murugan Chettiar

... Appellant/Petitioner

vs.

1.The District Registrar,
District Registrar Office,
Nagercoil,
Kanyakumari District.

2.The Sub Registrar,
Sub Registrar Office,
Edalakudi, Kanyakumari District.

3.T.Jagatheeswaran

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 20.11.2024 made in W.P(MD)No.7919 of 2023.



W.A(MD)No.37 of 2025

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For R1 & R2

: Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.R.T.Arivu Kumar
: Mr.A.Baskaran
Additional Government Pleader

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order of the learned Single Judge dated 20.11.2024 made in W.P.(MD)No.7919 of 2023, whereby the writ petition was dismissed, the present writ appeal has been filed.

2. The appellant has filed the writ petition seeking cancellation of a document registered in the year 1986 on the ground that the subject property belongs to a Mutt. It is the case of the appellant that the father of the third respondent had earlier filed a suit against the Mutt, which was dismissed, and the subsequent appeal was also dismissed. In the meantime, the impugned document came to be registered in the year 1986. According to the appellant, the said registration is in violation of Section 34 of the HR & CE Act. It is further contended that the registering authority failed to conduct a proper enquiry

2/7



W.A(MD)No.37 of 2025

WEB COURT

regarding the property before registration. On these grounds, the writ petition was filed seeking cancellation of the document. The learned Single Judge dismissed the writ petition holding that disputed questions of fact cannot be adjudicated in writ proceedings.

3. The learned Senior Counsel appearing for the appellant submitted that the sale deed was executed based on a power of attorney allegedly registered in a particular Sub-Registrar Office, which, according to him, was not in existence at the relevant point of time. Placing reliance on information obtained under the Right to Information Act, it was contended that the registering authority had failed to properly verify the existence of the concerned registration office.

4. The document in question pertains to the year 1986. Whether the power of attorney was in fact registered in the said office, and whether such office was in existence at the relevant time, are matters involving disputed questions of fact which require proper evidence. Such issues cannot be conclusively decided in writ proceedings merely on the basis of certain information obtained from the registering authority.



W.A(MD)No.37 of 2025

WEB COPY

5. Further, this Court cannot ignore the practical difficulties noticed in recent times, where even certified copies issued by registering authorities have, in some instances, been found to be unreliable, with documents registered for one purpose being altered or fabricated as different instruments. Therefore, a detailed factual enquiry is essential in such cases.

6. Reliance was placed on the judgment of the Hon'ble Supreme Court in Asset Reconstruction Company (India) Limited vs. S.P. Velayutham and another, reported in (2022) 8 SCC 210, to contend that a writ petition is maintainable where the registering authority has failed to discharge its statutory duties. There is no dispute regarding the said proposition. However, such jurisdiction can be invoked only when the issue pertains to failure of statutory duty in the process of registration and does not involve complex disputed facts.

7. Considering the facts and circumstances of the case, this Court is of the view that the extraordinary jurisdiction under Article 226 of the Constitution cannot be invoked, as a matter of right, to cancel a document registered in the year 1986, particularly when serious disputed questions of fact arise. If the



W.A(MD)No.37 of 2025

WEB COPY

appellant's case is that the property belongs to the Mutt and that the sale is void, it is always open to the appellant to approach the competent Civil Court seeking appropriate relief, such as declaration of title or restoration of possession.

8. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
02.04.2026

NCC : Yes / No
Index : Yes / No
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W.A(MD)No.37 of 2025

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WEB COPY



W.A(MD)No.37 of 2025

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ORDER MADE IN
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