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W.P(MD)No.1154 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.03.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.1154 of 2023

B.Moorthy

... Petitioner

Vs.

1.The Sub Registrar
Kayathar,
Tuticorin.

2.Anthony Raj
3.S.Muthiah
(R3 is suo motu impleaded vide
Court order dated 23.01.2023 in
W.P(MD)No.1154 of 2023

...Respondents

Writ Petitions are filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip of the 1st respondent in RFL/Kayathar/1/2023 dated 05.01.2023 and consequently, direct the respondent to register and release the document within the time fixed by this Court.

For Petitioner :M/s.H.Arumugam

For R1 :Mr.A.Baskaran,
Additional Government Pleader

For R2 :Mr.V.S.Kishore Kumar

For R3 :Mr.K.Gurunathan

**ORDER**

This writ petition is filed challenging the impugned refusal check slip dated 05.01.2023.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the factual background in which the writ petition arises is that the property comprised in survey No.18A/2B measuring an extent of acre 1.50 cents comprised in Patta No.488, Kayathar Taluk, Thoothukudi District, originally belong to one Muthiah Pillai. It is claimed that the said Muthiah Pillai had a wife by name Lakshmi Ammal. He also had a relationship with one Chellammal alias Antonyammal. Out of the said relationship, he had a son by name Chelliah Pillai, who died intestate leaving behind his son Mariaprakasam. The said Maria Prakasam in turn died on 12.12.1991 leaving behind one Anthonyraj and his wife, Anjala. While so, the said Anjala and Anthonyraj executed a sale deed in favor of the petitioner Moorthy and the same was registered as Document No.3314/ 2020. Thereafter, the third respondent in the present writ petition viz., Muthaiya filed a petition before the registering authorities claiming that the document is a fraudulent document. An inquiry was conducted by the registering authority and by order dated 12.09.2022, the District registrar cancelled the registration of the said document and ordered that an



endorsement be maintained that the document is a fraudulent document. The District Registrar went into the claim of the third respondent that the property in question originally belonged to Muthiah Pillai. However, after his death, his wife Lakshmi Ammal executed a settlement deed in favor of Meenakshi Nathan Pillai, who is the brother's son of the said Muthiah Pillai. The petitioner being the son of the said Meenakshi Nathan Pillai has inherited the property from Meenakshi Nathan Pillai and therefore, the petitioner had only title in respect of the property.

3.The District Registrar, after considering the case of both sides held that the question with reference to the title of the third respondent can only be resolved in the civil Court. However, the District Registrar found that the document is presented by placing reliance on a death certificate as well as the legal heirship certificate of the said Chelliah Pillai and as such held that when the document is presented on the strength of such forged document, it should be treated as a fraudulent document and accordingly an entry was ordered to be made. This petitioner, being the purchaser, challenged the said order by way of W.P(MD)No.27998 of 2022 by judgment dated 23.01.2023, this Court upheld the said the order. However, granted relief to the petitioner only with reference to the criminal case, holding that since he claims to be a bona fide purchaser for value upon him cooperating for the investigation he



need not be added as an accused.

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4.The wife of Maria Prakasam, namely Anjala also died and the son of Maria Prakasam is Antonyraj alone was alive. It is the case of the petitioner that even during the said proceedings, they had approached the appropriate local authority and obtained the correct death certificate and his vendor was in possession of the correct death certificate as well as the legal heirship certificate. For one death of Maria Prakasam his death certificate and legal heirship certificate was also obtained. With all that, once again a sale deed was presented on 05.01.2023. When the sale deed was presented, instead of registering the same by the impugned refusal slip dated 05.01.2023, the same was refused to be registered only on the ground that the earlier writ petition filed by the petitioner that is in W.P(MD)No.27998 of 2022 was pending.

5.The learned counsel for the petitioner would submit that now the said writ petition has also been disposed off and the judgment is rendered by affirming the findings of the District Registrar. From the said judgment, it can be seen that when the petitioner gave objection on merits, the finding of the District Registrar was that on merits, the registering authorities cannot consider the question of title and the parties have to resolve the issue in the



civil Court only. Similarly, the entry was upheld on the technical ground that the document is based on forged death certificate and legal heirship certificate. Now when the present document is not based on the forged death certificate and the legal heirship certificate and when the finding of the District Registrar that the registering authority cannot decide the title and the parties only have to approach the Civil Court, had already been found correct by this Court. Then, in the absence of any civil suit by the 3rd respondent herein and any orders in his favour, then as per the findings made in the earlier writ petition, the impugned order of refusal cannot be sustained. In any event, the impugned order has got only one reason that the writ petition is pending and now that, the same is not existent, the Sub Register should be ordered to register the sale deed.

6. Whereas the learned Additional Government Pleader appearing on behalf of the Sub registrar would submit that as on date when the document was presented, even the earlier question as to the fraud committed by the parties was at large before this Court and therefore, the document was not processed.

7. The learned counsel appearing on behalf of the third respondent would submit that by the earlier judgment, the parties were relegated to the



Civil Court. In violation of the same, once again, a shortcut method cannot be adopted by the petitioner. As a matter of fact, earlier the municipality had replied to the District Registrar that there is no such file as relating to the death of Chelliah Pillai. Once again, another set of documents from the very same municipality is being produced and by the very same principles, the present sale deed will also be hit. In any event, it can be seen that by the earlier order of this Court in W.P(MD)No.27998 of 2022, the parties were only relegated to the Civil Court and once again they cannot produce another document which would virtually over ride the Court order. The learned counsel would also further rely upon the judgment in Crl.O.P(MD)No.19915 of 2024 to point out as to how every stage even the criminal investigation was delayed. According to the learned counsel, only because the petitioner is powerful in the locality not even the investigation with reference to the earlier forgery is proceeding in the manner known to law, and the third respondent had to approach this Court for direction.

8.I have considered the rival submissions made on either side and perused the material records of the case.

9.It is true that in the normal course, if the person is claiming title, but the earlier document, was present by enclosing forged death certificate



and legal heirship certificate, he can still present a document by mustering the proper legal heirship certificate and death certificate notwithstanding the fact that for the earlier forgery committed they are liable for the criminal punishment. The earlier criminal case does not altogether extinguish the civil title that was vested in the said Antonyraj. It can also be contended on behalf of the petitioner that the Sub Registrar is not the authority to look into the title and therefore, merely on title dispute, the document cannot be refused to be registered. The reason which was originally mentioned that the writ petition is pending also does not exist. But, I am unable to grant relief to the petitioner because of the categorical finding that is made in the earlier writ petition, even while affirming the order, the following findings are made in the earlier writ petition and it is relevant to extract paragraph 6 and 7, which reads as follows.

6. Obviously, this is a classic case of title dispute, which only the jurisdictional civil Court can resolve. This Court cannot endorse the stand of either the writ petitioner or that of the third respondent. The issues are left entirely to the jurisdictional civil Court to decide.

7. However, the impugned order is not anchored on this basis. In fact, the District Registrar had rightly relegated the parties (both of them) to go to the civil Court. No exception can be taken to the aforesaid approach adopted by the authority.”

(emphasis supplied)



10. Thus, it can be seen that the first observation that was made is that the issue should be entirely left to the jurisdictional civil Court to decide.

Not stopping with that once again, in paragraph 7, the finding is recorded that the District Registrar had relegated the parties and emphasis is also given that both of them to go to the Civil Court. When that is the finding inter parties, especially considering that, in the last paragraph of the order, the Court has also treated the petitioner as a bona fide purchaser and relieved him from the criminal case, I am of the view that the order categorically means that the parties should only approach the civil Court and the presentation of the second document is impermissible. Therefore, even though the original reason that is made in the refusal slip that the pendency of the writ petition is no longer there. For the aforesaid findings, I am not in a position to grant the relief.

11. The learned counsel appearing on behalf of the petitioner would submit that the present writ petition also came up for admission on the same day and that was not the purport of the order was passed in the earlier writ petition. When the judgment inter parties is rendered, this Court cannot interpret or add anything to the earlier order of this Court.



With the above observations, finding no merits, the writ petition stands dismissed. No costs.

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NCC:Yes/No

To
1.The Deputy Commissioner,
CGST Commissionerate,
No.5, VP Rathinasamy Nadar Road,
BB Kulam,
Madurai-625 002.



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D.BHARATHA CHAKRAVARTHY, J.

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