



W.P.(MD) No.2715 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.2715 of 2026

N.Abdul Samad

... Petitioner

Vs

1.The District Registrar (Administration),
Office of the District Registrar,
Palayamkottai,
Tirunelveli District.

2.The Sub Registrar,
Melapalayam Sub Registrar Office,
35/B13, Firthouse Complex, Ambai Road,
1st Floor,
Melapalayam, Palayamkottai Taluk-627 005,
Tirunelveli District.

3.Janab Mohammed Farooque

4.Janab Salman

5.Janab Mohammad Mohideen Aliyar

6.M.Mohammad Nizar

7.Ismathhameetha @ Ismath Rasique

8.R.Noorthaj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the



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records pertaining to the first respondent's impugned proceedings in Oo.Mu.No.7924/AA8/2025, dated 15.10.2025 and to quash the same as illegal and contrary to law and to direct the second respondent not to made further encumbrance on the disputed property is situated in T.S.No. 1166 and 1167/Part of an extent of 1960 Square Feet consisting East West 20.96 Feet and South North 93.5 Feet situated at Melapalayam Village, Tirunelveli District, based on the petitioner's obstruction petition dated 26.09.2025.

For Petitioner : Mr.T.R.Subramanian

For R-1 & R-2 : Mr.M.Lingadurai,
Special Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the first respondent in Oo.Mu.No.7924/AA8/2025, dated 15.10.2025, and seeking a consequential direction to the second respondent not to make any further encumbrance on the disputed property situated in T.S.Nos. 1166 and 1167 (Part), measuring an extent of 1960 square feet, consisting of East–West 20.96 feet and South–North 93.5 feet, situated at Melapalayam Village, Tirunelveli District, based on the petitioner's obstruction petition dated 26.09.2025.



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2. The learned counsel appearing for the petitioner submitted that the petitioner is the absolute owner of the subject property. It is submitted that on 18.07.1994, the petitioner sold the western portion of the vacant site, measuring an extent of 1327 square feet, to one P.M.A. Mohammed Ali and S.S. Mohammed by way of a registered document bearing Document No.1462 of 1994. The remaining portion of the property continues to be in the possession and enjoyment of the petitioner. The petitioner has constructed a building on the eastern portion of the property and has been paying property tax, water tax, electricity charges, and the Town Survey Land Register stands in the petitioner's name.

3. It is further submitted that respondent Nos.5 to 8 have fraudulently sold the western portion of the petitioner's vacant land to respondent Nos.3 and 4. Thereafter, respondent Nos.3 and 4 approached the petitioner claiming title over the said vacant land. On applying for an encumbrance certificate through the online portal, the petitioner came to know that a sale deed had been fraudulently registered under Document No.7528 of 2025, dated 14.08.2025. The petitioner obtained a certified copy of the said document and has filed a civil suit in O.S.No.306 of 2025 on the file of the I Additional Sub Court, Tirunelveli, seeking a



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declaration that the alleged sale deed dated 14.08.2025 is null and void and for a permanent injunction restraining the defendants in the suit from interfering with the petitioner's peaceful possession and enjoyment of the property.

4. Thereafter, the petitioner filed an obstruction petition dated 26.09.2025 before the second respondent requesting that no further encumbrance be made in respect of the disputed property. However, the first respondent passed the impugned proceedings dated 15.10.2025, referring to the procedure under Section 77-A of the Registration Act, rejecting the petitioner's request. Aggrieved by the same, the present writ petition has been filed.

5. The learned Special Government Pleader appearing for respondent Nos.1 and 2 submitted that the registering authority has no power to cancel a registered document. He further submitted that in the event any fraud comes to the notice of the registering authority at the time of registration, appropriate action can be initiated under Sections 83 and 84 of the Registration Act by lodging a complaint with the jurisdictional police. However, when allegations of fraud are brought to



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light by an affected party after registration, the remedy available is to approach the civil court or to lodge a criminal complaint before the police, and not to seek cancellation or prevention of registration by the registering authority.

6. Considering the submissions made on either side, it is clear that the registering authority does not have the power to cancel a registered document or to prohibit future registrations based on a private dispute. The powers conferred under Sections 77-A and 68(2) of the Registration Act do not extend to adjudication of title or cancellation of documents already registered.

7. In cases where fraud is alleged in the execution or registration of a document, the affected party has the remedy of approaching the competent civil court for appropriate reliefs, as has already been done by the petitioner, or to lodge a criminal complaint invoking Sections 83 and 84 of the Registration Act. Upon receipt of such complaint, the jurisdictional police are bound to conduct an enquiry, register an FIR if a cognizable offence is made out, and proceed in accordance with law.



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8. In view of the above, this Court finds no infirmity in the impugned proceedings dated 15.10.2025 passed by the first respondent.

However, liberty is granted to the petitioner to lodge a private complaint or a complaint before the jurisdictional police with regard to the alleged commission of offences by respondent Nos.3 to 8. Upon receipt of such complaint, the concerned police shall take appropriate action in accordance with law.

9. With the above observations, the writ petition stands disposed of. No costs.

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Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

TSG

To

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KRISHNAN RAMASAMY, J.

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