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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.03.2026

CORAM:

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P(MD)No.640 of 2023
and
C.M.P(MD)No.2953 of 2023

P.V.Pitchumani ... Petitioner/Petitioner/Defendant

.Vs.

M/Vignesh ...
Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying this Court to set aside the order made in I.A.No.2 of 2022 in O.S.No.3 of 2022, dated 2.11.2022, on the file of District Munsif-cum-Judicial Magistrate, Cheranmahadevi, in dismissing the petition to reject the plaint.

For Petitioner : Mr.M.Prabu

For Respondent :Mr.A.Sankararama
Subramanian

ORDER

This Civil Revision Petition challenges the order of the District



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Munsif-cum-Judicial Magistrate, Cheranmahadevi in I.A.No.2 of 2022 in O.S.No.3 of 2022, dated 02.11.2022.

2.For the sake of convenience, the parties shall be referred to as per their ranking in the suit.

3.The Plaintiff presented the suit in O.S.No.3 of 2022 seeking the relief of permanent injunction restraining the defendant, their men, agents and Servants from interfering with his peaceful possession and enjoyment of the suit property. In the said suit, the defendant filed an application for rejection of plaint.

4.The plea of the defendant was that the sale deed on the basis of which the plaintiff claims right over the suit property was the subject matter of enquiry before the District Registrar(Administration), Cheranmahadevi. The said authority had passed an order in Order NO.5647/A 2/2021, dated 15.06.2022. In terms of this order, the document of the plaintiff had been declared as illegal and void. Hence, the defendant pleaded that the claim of the plaintiff is absolutely untenable and an abuse of process of law.Consequently, it deserves to be rejected. The learned District Munsif received counter from the respondent and dismissed the application for rejection of plaint. Aggrieved by



the same, the present revision is filed.

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5.I heard the submissions of Mr.M.Prabu, for the revision petitioner and Mr.A.Sankararama Subramanian, for the respondent.

6.Mr.Prabu, took me through the order passed by the District Registrar(Administration),dated 15.06.2022 and pointed out that the District Registrar had held that the sale deed, on the basis of which the respondent-Plaintiff claims right, is not worth the paper on which it is written. Consequently, he urges that the suit itself is untenable and that the trial Court ought to have rejected the plaint accordingly.

7.Mr.A.Sankararama Subramanian, states that all these pleas are to be addressed before the learned District Munsif at the time of final hearing and not in an application for rejection of plaint.

8.I have carefully considered the submissions made on either side and have gone through the records.

9.The suit is one for bare injunction. The claim of the plaintiff



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is that he is in possession of the property. Whether the possession of the property is legal or otherwise can be decided only post trial of the suit and not at the time of considering an application for rejection of plaint. All that the Court is concerned at that stage are the documents filed by the plaintiff and the plaint alone.

10. The plea of Mr. Prabu that, as the District Registrar had concluded, that the document was an act of forgery and declared it as void and hence, nothing remains to be decided by the learned District Munsif, is untenable. The power of the District Registrar to declare a document as "null and void" and "inoperative" was by virtue of the amendment to Section 77-A of the Registration Act. The said amendment had been declared as unconstitutional by this Court in the case of *M. Kathirvel .vs. Inspector General of Registration reported in 2024 (4) CTC 769*. Furthermore, the Supreme Court in *Satya Pal Anand .vs. State of Madhya Pradesh, (2016) 10 SCC 767*, had pointed out that, in exercise of the administrative powers of the Inspector General of Registration, he is not entitled to pass any order or empower any authority, which would deal with vital civil rights of parties. The power exercised by the authorities under the Registration Act from the bottom to the top is only an executive. The power to declare a document as illegal, inoperative or void vests with the Civil



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Court and has not been surrendered at the altar of the executive.

Whether the document is true, operative or null and void is a matter for the Civil Court to frame issues and answer the same.

The District Munsif-cum-Judicial Magistrate, Cheranmahadevi will address the issue, if the defendant presents the same in his written statement. For the purpose of disposal of this revision, I need to give only the following reasons:

(1)the document produced by the defendant cannot be utilized by the Court to reject the plaint;

(2)the order of the District Registrar relied upon by the defendants that of being an executive authority will not bind the Civil Court.

11.The Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

03.03.2026

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

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To

The District Munsif cum Judicial Magistrate,
Cheranmahadevi.

Copy to

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

V.LAKSHMINARAYANAN.,J.

vsn

ORDER MADE IN

C.R.P(MD)No.640 of 2023
and
C.M.P(MD)No.2953 of 2023



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