



W.P(MD)No.36678 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.01.2026

CORAM :

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.36678 of 2025

R.Manimegalai

... Petitioner

vs.

1. The District Registrar (Administration),
District Registrar Office,
Virudhunagar District.

2. The Sub Registrar,
Sub Registrar Office,
Aruppukottai, Virudhunagar District.

3. M.Shanmugavel

4. G.Montagu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide his proceedings Na.Ka.No.6049/A4/2025 dated 26.11.2025 quash the same as illegal and consequently direct the 1st respondent to cancel the fraudulent sale deed No.4309/2013 on the file of the 2nd respondent which was executed in favour of the 3rd respondent and subsequently direct the 1st respondent to cancel the fraudulent sale deed No.4701/2023



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executed by 3rd respondent in favour of 4th respondent.

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For Petitioner : Mr.M.A.Abdul Muthalif

For R1 & R2 : Mr.A.Kannan

Additional Government Pleader

ORDER

The prayer in this writ petition is to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide his proceedings Na.Ka.No.6049/ A4/2025 dated 26.11.2025, quash the same as illegal and consequently direct the 1st respondent to cancel the fraudulent sale deed No.4309/2013 on the file of the 2nd respondent which was executed in favour of the 3rd respondent and subsequently direct the 1st respondent to cancel the fraudulent sale deed No.4701/2023 executed by 3rd respondent in favour of 4th respondent.

2. Learned counsel for the petitioner would submit that punja land located in Virudhunagar District in Survey Nos.49/15B and 49/8B4 is the ancestral property of the petitioner's paternal grandfather. After his death, his four sons including the petitioner's father were



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enjoying the property jointly without any partition. While so, one of the co-sharers' son namely, Murugan colluding with the 3rd respondent cheated the other co-sharers' shares and executed a forged sale deed dated 16.09.2013 in respect of 14 cents in Survey Nos.49/15B and 49/8B4 in favour of the 3rd respondent who in turn sold the said property to the 4th respondent vide sale deed dated 14.07.2023. The petitioner filed a petition before the 1st respondent seeking cancellation of the above said fraudulent registrations and the 1st respondent passed the impugned order stating that they do not have any power to cancel the documents and directed the petitioner to approach the appropriate court. Hence, this writ petition.

3. The learned Additional Government Pleader appearing for the official respondents would submit that since the respondents 1 and 2 have no power to cancel the sale deeds in favour of the respondents 3 and 4, the impugned order has rightly been passed since the remedy of the petitioner lies only before the civil court. Hence, he would pray for dismissal of the writ petition.



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Heard both sides and perused the materials available on record.

5. In the present case, the subject property is ancestral property of the petitioner's grandfather which was commonly enjoyed by four legal heirs including the petitioner's father. While so, one of the co-sharers' son sold 14 cents of land to the 3rd respondent which is inclusive of other co-sharers' share. The 3rd respondent also in turn sold the said property to the 4th respondent. After purchase, the 4th respondent put up fencing preventing pathway of the petitioner and other co-sharers. The respondents 3 and 4 purchased only the undivided share of the petitioner's ancestral property in which case if the purchaser is obstructing the pathway, the proper course available to the petitioner is to approach the civil court. Since the respondents 3 and 4 have purchased the undivided land, they cannot claim any land specifically within the boundary of the subject property unless and until due partition takes place among the legal heirs. Such being the case, I do not find any merit in this writ petition.



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Accordingly, the Writ Petition is dismissed with liberty to the petitioner to approach the competent civil court. No costs.

05.01.2026

Index : Yes / No

Neutral Citation : Yes / No

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To

1. The District Registrar (Administration),
District Registrar Office,
Virudhunagar District.

2. The Sub Registrar,
Sub Registrar Office,
Aruppukottai, Virudhunagar District.



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KRISHNAN RAMASAMY, J.

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ORDER MADE IN
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