



W.P(MD)No.4121 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4121 of 2023

B.Dhanabalan

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Periyakulam,
Theni District.

2.The Sub Registrar,
Sub Registrar Office,
Theni, Theni District.

3.The Inspector of Police,
Theni Town Police Station,
Theni District.

4.M.Thavamani

5.T.Malarkodi

6.T.Selvam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 and 2 to conduct enquiry as per Section 77A of Registration Act and to take



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appropriate steps to cancel the Fraudulent settlement Document No.4446/2013 executed by 4th Respondent and Fraudulent Sale Deed No.10056/2020 executed by 5th Respondent within a time frame fixed by this Court.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 & R2.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R3.

ORDER

Heard the learned counsel for the writ petitioner, the learned Additional Government Pleader for the respondents 1 and 2 and the learned Government Advocate (Crl. Side) for the third respondent.

2.The petitioner wants the first respondent to conduct enquiry under Section 77-A of the Registration Act and cancel the petition mentioned document. The petition mentioned document was executed way back in the year 2013. Section 77-A of the Registration Act is not retrospective. Therefore, the petitioner has to necessarily seek his remedy elsewhere. I have only held that the first respondent cannot grant the relief as sought for. The writ



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petition stands dismissed. The dismissal of this writ petition will not cast any cloud on the writ petitioner's title. The petitioner can very well move the jurisdictional Civil Court for establishing his rights. No costs.

28.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The District Registrar,
District Registrar Office,
Periyakulam,
Theni District.
- 2.The Sub Registrar,
Sub Registrar Office,
Theni, Theni District.
- 3.The Inspector of Police,
Theni Town Police Station,
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G.R.SWAMINATHAN, J.

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