



WP.No.24503 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.24503 of 2023
and W.M.P.Nos.23926 & 23927 of 2023

N.Karnal

.. Petitioner

Versus

1.The District Registrar
Office of the District Registrar
Integrated Building of Registration Department
Veppamara Street, Velppadi
Vellore – 632 001

2.K.Jawarilal Jain

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records on the file of 1st respondent pertaining to the impugned show cause notice in Na.Ka.No.6737/E3/2022 dated 12.07.2023 and to quash the same without jurisdiction.

For Petitioner : Mr.M.Arumugam

For Respondents : Mr.B.Vijay for R1
Additional Government Pleader
No appearance for R2



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ORDER

By consent of both parties, this writ petition is taken up for disposal.

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2. This writ petition is filed challenging the show cause notice issued by the first respondent in Na.Ka.No.6737/E3/2022 dated 12.07.2023 seeking explanation to cancel the sale deed on the basis of complaint given by the second respondent alleging that sale deed executed in favour of the petitioner dated 12.10.1998 as fraudulent transaction and should be cancelled.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent and perused the materials available on record.

4. At the outset, this Court is of the view that when the document is of the year 1998 and merely on the basis of complaint alleging that the said document is fraudulent document, the registering authorities have no power under the Registration Act to go into the issue, only the Civil Court can go into the issue of fraudulent transaction. It is relevant to note that the fraudulent transaction is not void ab initio, it is only voidable, it has to be avoided within the time before a civil court. The registering authorities have power to go into the documents except the documents registered contrary to Sections 22-A or



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22-A of the Act. As far as other documents, they have no power under the Act.

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5. Such view of the matter, the show cause notice in Na.Ka.No.6737/E3/2022 dated 12.07.2023 issued by the first respondent is set aside and the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

24.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

The District Registrar
Office of the District Registrar
Integrated Building of Registration Department
Veppamara Street, Velppadi
Vellore – 632 001



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N. SATHISH KUMAR, J.

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