



W.P(MD)No.120 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.120 of 2023

Gnaravichandren

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o the Inspector General Office,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chrompet, Chennai - 28.

2.The District Registrar,
Office of the District Registrar Office,
Tirunelveli, Tirunelveli District.

3.The Sub Registrar,
Office of the Sub Registrar Office,
Panagudi, Tirunelveli District.

4.Franchise Xavier

5.Xavier Jenitta

6.Antony Manexa

7.Panimelson

8.Dominic Jeyabalan

9. Raja Sing Jesuraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass order in the petitioner petition dated 25.11.2022 to cancel the



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registration of documents registered in the name of the 4th to 9th respondents on the file of the 3rd respondent and the same may be disposed within stipulated time fixed by this Court.

For Petitioner	: Mr.R.Jegadeeswaran
For R1 to R3	: Mr.M.Siddarthan Additional Government Pleader
For R4 & R5	: Mr.V.Sasikumar
For R6	: Mr.S.R.Anbarasu
For R7	: Mr.R.M.Suresh
For R9	: Mr.D.Nallathambi

ORDER

The petitioner seeks a direction to the 2nd respondent to consider and pass order in the petitioner's petition dated 25.11.2022 seeking to cancel the registration of documents registered in the name of the 4th to 9th respondents on the file of the 3rd respondent.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.It is the case of the petitioner that the subject properties originally belonged to the father of the petitioner. The private respondents herein are the brothers of the petitioner. There was a family arrangement in respect of the subject property. However, the brother of the petitioner without adhearing to



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the family arrangement, had dealt with the properties of the petitioner's father.

Hence, the petitioner had filed a petition to conduct enquiry and to cancel the fraudulent documents registered in respect of the subject property. Since the same was not considered, the petitioner has filed this writ petition.

4.The very Section 77(A) inserted under Registration Act to cancel the registered document, is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. That apart fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court in view of the decisions made in ***Satya Pal Anand v. State of M.P.[2016 10 SCC 767]*** and ***G. Rajasulochana v Inspector General [W.P 29706 of 2024 dated 16.04.2024]***. Accordingly, this Writ Petition is dismissed. No costs.

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J

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