



W.P(MD)No.240 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.240 of 2023

S.Mallika

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar, 58/1, Cutchery Road,
Virudhunagar-626 001.

2.The Sub Registrar Office,
Virudhunagar Joint I,
58/1, Cutchery Road,
Virudhunagar-626 001.

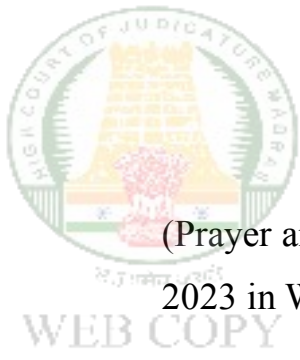
3.Santhanam

4.Balakrishnan

... Respondents

(R2 to R4 are impleaded vide Court order dated 03.02.2023)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to mark endorsements in Book I in respect of Doc.No.1694/2012 on the file of the Sub Registrar Office, Virudhunagar Joint I, dated 17.05.2012 in respect of 64 cents in Survey No.818/2, Periyaperali Village, Virudhunagar Taluk, Virudhunagar District thereby abstaining the respondents 3 and 4 from creating any further encumbrances or alienation over the said property and enable the petitioner to execute and register sale deeds in favour of the proposed buyer Karuppasamy or any other person.



W.P(MD)No.240 of 2023

(Prayer amended vide Court order dated 03.02.2023 in W.M.P.(MD)No.1970 of 2023 in W.P.(MD)No.240 of 2023)

For Petitioner : Mr.N.Dilip Kumar
For R1 & R2 : Mr.M.Siddharthan,
Additional Government Pleader
For R4 : No Appearance

ORDER

The petitioner seeks a direction to the 1st respondent to mark endorsements in Book I in respect of Doc.No.1694/2012 on the file of the Sub Registrar Office, Virudhunagar Joint I, dated 17.05.2012 in respect of 64 cents in Survey No.818/2, Periyaperali Village, Virudhunagar Taluk, Virudhunagar District, thereby abstain the respondents 3 and 4 from creating any further encumbrances or alienation over the said property and enable the petitioner to execute and register sale deeds in favour of the proposed buyer Karuppasamy or any other person.

2.It is the case of the petitioner that she purchased the land in Survey No.818/2 to an extent of 64 cents out of 1 acre 39 cents situated at Periyaperali Village, Virudhunagar Taluk, Virudhunagar District from the 3rd respondent through a registered sale deed of the year 1985. However, the patta to the entire extent of the land stood in the name of the 3rd respondent. Taking advantage of



W.P(MD)No.240 of 2023

the same, the 3rd respondent executed a fraudulent settlement deed in respect of the property in question in favour of his son / 4th respondent, which was registered on 17.05.2012. Therefore, seeking cancellation of the same, the petitioner sent a representation dated 28.03.2022 to the 1st respondent. Since the same has not been considered so far, the petitioner has filed this Writ Petition.

3.At the outset, this Court is of the view that the very Section 77(A) inserted under Registration Act is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. The registering authority has no power to cancel the document already registered. 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 as per ***Satya Pal Anand v. State of M.P.[2016 10 SCC 767]*** and ***G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024***. Accordingly, this Writ Petition is dismissed. No costs.

18.09.2024

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

Yuva



W.P(MD)No.240 of 2023

To

- 1.The District Registrar,
Virudhunagar, 58/1, Cutchery Road,
Virudhunagar-626 001.
- 2.The Sub Registrar Office,
Virudhunagar Joint I,
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W.P(MD)No.240 of 2023

N.SATHISH KUMAR, J

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W.P(MD)No.240 of 2023

18.09.2024