



W.P(MD)No.1221 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.1221 of 2023

Rajendramani

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Dindigul, Dindigul District.

2.The Sub-Registrar Office,
Sub Registrar Office,
Ottanchathiram,
Dindigul District.

3.Ragunathan

4.Shanthi

5.Selvatha

...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 cancel the sale deed No.3439 of 2022 dated 30.09.2022 and to conduct enquiry based on the petitioner's complaint receipt No.4089/2022 dated 27.07.2022 within the stipulated by this court.

For Petitioner	: Mr.K.Chellapandi
For R1 & R2	: Mr.P.Subbaraj Special Government Pleader
For R3 & R4	: Mr.S.A.Ajmal Khan
For R5	: Mr.A.Mohan



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ORDER

The petitioner seeks a direction to the respondents 1 and 2 to cancel the sale deed No.3439 of 2022 dated 30.09.2022 and to conduct enquiry based on the petitioner's complaint receipt No.4089/2022 dated 27.07.2022.

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 petitioner had entered into a sale agreement with the third respondent for purchasing the subject property and had paid a minimum sale consideration. Thereafter, the petitioner was in possession and enjoyment of the property. Since, the petitioner was not able to pay the entire sale consideration, the third respondent executed a gift deed to his wife, who in turn had executed a sale deed in favour of the fourth respondent. Hence, the petitioner had given a complaint to the first respondent to cancel the said document. Since the same was not considered, the petitioner has filed this writ petition.



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4.At the outset, the prayer sought for by the petitioner in this writ petition is not maintainable, since 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. Consequently, connected miscellaneous petition is closed.

27.08.2024

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

- 1.The District Registrar,
Office of the District Registrar,
Dindigul, Dindigul District.
- 2.The Sub-Registrar Office,
Sub Registrar Office,
Ottanchathiram,
Dindigul District.



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N.SATHISH KUMAR, J

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