



W.P(MD)No.561 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.561 of 2023

Ramasuppu

... Petitioner

Vs.

- 1.The Inspector General of Registration,
O/o. Inspector of General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The District Registrar,
O/o District Registrar,
Thenkasi District.
- 3.The Sub Registrar,
Karivalamvanthanallur Sub Register Office,
Karivalamvanthanallur,
Thenkasi District.
- 4.Chinnakandhasamy
- 5.Karthikeyan
- 6.Lalitha

... 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 conduct an appropriate enquiry under the Registration Act for cancel the fraudulent sale deed in document No.17/2014, dated 03.01.2014 in favour of the 6th respondent made by 4th and 5th respondents in the petitioner's own



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House residing land based on the petitioner's representation dated 15.12.2022, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 & R5 : No Appearance

ORDER

The petitioner seeks a direction to the 2nd respondent to conduct an appropriate enquiry under the Registration Act for canceling the fraudulent sale deed in document No.17/2014, dated 03.01.2014 made by 4th and 5th respondents in favour of the 6th respondent in respect of the petitioner's property based on the his representation dated 15.12.2022.

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 subject properties originally belonged to him by virtue of the partition deed entered between their family members and the petitioner is in peaceful possession and enjoyment of the same. While so, the fourth and fifth respondents having no right with regard to the said property, had executed a sale deed without any rights over the subject



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property. Hence, the petitioner made a representation to the second respondent to cancel the said sale deed. Since the same was not considered, the petitioner has filed this writ petition.

4.At the outset, the prayer sought for by the petitioner 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.

27.08.2024

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

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N.SATHISH KUMAR, J

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