



W.P(MD)No.741 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.741 of 2023

A.Aruldas

... Petitioner

Vs.

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

2.The Sub Registrar,
Sub Registration Office,
Nagalnayakkan Patti Unit No.Ii,
Dindigul District.

3.P.Tamilselvi

4.B.Fathima Jenith

... Respondents

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 cancel the sale deed as Document No. 7894 of 2022 dated 05.12.2022 based on the petitioner's representation dated 21.12.2022 within the time limit that may be stipulated by this Court.

For Petitioner
For R1 & R2

: Mr.A.D.Ganeshamoorthi
: Mr.P.Subbaraj
Special Government Pleader



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ORDER

The petitioner seeks a direction to the 1st respondent to cancel the sale deed in Document No. 7894 of 2022 dated 05.12.2022 based on the petitioner's representation dated 21.12.2022.

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

3.The contention of the petitioner is that the petitioner is a building contractor. The petitioner and the third respondent entered into a contract to build a house in the third respondent's property. Since the contract amount was not settled to the petitioner, the third respondent agreed to sell the house to the petitioner. However, the third respondent after completion of work, had sold the same to the fourth respondent by registered sale deed dated 05.12.2022 without settling the balance contract amount and without the knowledge of the petitioner. Hence, seeking to cancel the said sale deed, the petitioner has filed an application before the authorities concerned. 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.

27.08.2024

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

- 1.The District Registrar,
District Registrar Office,
Dindigul.
- 2.The Sub Registrar,
Sub Registration Office,
Nagalnayakkan Patti Unit No.Ii,
Dindigul District.



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N.SATHISH KUMAR, J

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