



WP(MD). No.1963 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 20/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.1963 of 2023
and WMP(MD) No.1736 of 2023**

Suguna .K

... Petitioner

Vs

1. The District Registrar (North) - (Administration),
Assistant Inspector General of Registration,
(In-Charge Proceedings) Madurai North,
Combined Building, Rajagambiram,
Y.Othakadai, Madurai.

2. K.Anguthaai Gandhi

3. R.Thiruvengadam

4. V.S.G.Jeyaprakash

5. S.P.Jalaja Nandhini

6. N.S.Dhurgesh Nandhini

7. C.Rajesekar

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus calling for the records of the 1st respondent under its proceedings No.



WP(MD). No.1963 of 2023

7987/A2/2021 dated 09.11.2022 and quash the same as ultra virus, illegal and not valid in law and in consequence directing the 1st respondent to restore the sale deed stood in the name of the petitioners mother P.S.Vasanthavalli dated 06.08.2015 (Doc.No. 3979/2015) and the settlement deed dated 03.03.2021 (Doc.No. 1658/2021) executed by the petitioners mother in favour of the petitioner within a period of time as may be fixed by this Court.

For Petitioner : M/s. Ponniah .M,
For Respondent : Mr.C.Satheesh for R1
Government Advocate
Mr.C.Sundaravadivel for R3
No appearance for others

ORDER

The writ petition has been filed challenging the order of the 1st respondent dated 09.11.2022 and direct the 1st respondent to restore the sale deed stood in the name of the petitioner's mother P.S.Vasanthavalli dated 06.08.2015 (Doc.No. 3979/2015) and the settlement deed dated 03.03.2021 (Doc.No. 1658/2021) executed by the petitioner's mother in favour of the petitioner within a period of time as may be fixed by this Court.



WP(MD). No.1963 of 2023

2. It is the case of the petitioner that on the basis of the complaint given by the third respondent, who is the power agent of the 2nd respondent, the sale deed of the petitioner's mother dated 06.08.2015 has been cancelled. The allegation raised in the complaint is that the sale deed is a fraudulent one and description of the property has been shown wrongly. Therefore, the document has to be cancelled. Based on the said allegation, the authorities have cancelled the document.

3. I have considered the rival submissions and perused the materials available on record.

4. At the outset, this Court is of the view that description of the property has been mentioned wrongly or rightly is a matter of evidence and without any foundational facts, the District Registrar has gone into the issue. Further as per the law laid down in ***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***, fraudulent transaction cannot be gone into by the authorities and cancel the document, which has to be established in the manner known to law before the civil Court.



WP(MD). No.1963 of 2023

Accordingly, the impugned order is quashed and the writ petition is allowed. No costs. Consequently connected Miscellaneous Petition is closed.

20.09.2024

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TO

1. The District Registrar (North,
- (Administration),
Assistant Inspector General of Registration,
(In-Charge Proceedings) Madurai North,
Combined Building, Rajagambiram,
Y.Othakadai, Madurai.



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N.SATHISH KUMAR,J

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**ORDER
IN
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Date : 20/09/2024