



W.P(MD)No.2612 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.2612 of 2023

and

W.M.P.(MD)No.3913 of 2023

Arammal

... Petitioner

Vs.

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

2.The Sub-Registrar Office,
Office of the East Sub Registrar,
East Sub Registration Office,
Melur, Madurai District.

...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 herein to cancel the document No.3677 of 2020 dated 14.08.2020 executed by Muthiah in favour of his wife Sridevi on the basis of orders passed by the Revenue Divisional Officer, Melur, Madurai District in his proceedings N.M.No.2634 / 2019 /A1 dated 25.03.2022 within the time stipulated by this Court.

For Petitioner	: Mr.B.Santhanam Rajeshkumar
For R1 & R2	: Mr.M.Siddharthan
	Additional Government Pleader



W.P(MD)No.2612 of 2023

ORDER

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The petitioner seeks a direction to the respondents to cancel the document No.3677 of 2020, dated 14.08.2020 on the basis of orders passed by the Revenue Divisional Officer, Melur, Madurai District in his proceedings N.M.No.2634 / 2019 /A1 dated 25.03.2022.

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 property was the self acquired property of the petitioner's father, who died in the year 1999. The petitioner has two sisters and one brother. They are equally entitled to a share in the property of the petitioner's father. However, the brother of the petitioner, without the knowledge of the petitioner and her sisters, had obtained a legal heirship certificate, as if he is only the legal heir of his father and mutated all the revenue records in his name. Thereafter, he sold the property by way of sale deed dated 14.08.2020 to a third party. Hence, the petitioner made an application before the respondents to cancel the said illegal sale deed executed by the brother of the petitioner. Since the same was not considered, the petitioner has filed this writ petition.



W.P(MD)No.2612 of 2023

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,
Madura District.
- 2.The Sub-Registrar Office,
Office of the East Sub Registrar,
East Sub Registration Office,
Melur, Madurai District.



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W.P(MD)No.2612 of 2023

N.SATHISH KUMAR, J

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W.P(MD)No.2612 of 2023

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