



W.P(MD)No.3184 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.3184 of 2023

S.Subiramanian

... Petitioner

Vs.

1.The District Registrar (Admin),
Palayamkottai Registration District,
Tirunelveli,
Tirunelveli District.

2.The Sub Registrar,
Pettai Sub Registrar Office,
Tirunelveli Town,
Tirunelveli.

3.M.Ranjithkumar

4.M.Ganesan

... 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 dispose the petitioner's application filed under section 77 A of Registration Act 1908 for to cancellation document pertaining to the land in Survey no.82 Town Survey no. 2641/1, Pettai Village, Tirunelveli Taluk, registered vide doc.no. 4397/2008 dated 13.09.2008 on the file of 2nd respondent by playing fraud by the 3rd and 4th respondents and after conducting detailed enquiry in accordance with law.



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For Petitioner : Mr.Raja Karthikeyan
For R1 & R2 : Mr.C.Satheesh
Government Advocate
For R3 & R4 : Mr.D.Nallathambi

ORDER

The petitioner seeks a direction to the 2nd respondent to dispose the petitioner's application filed under section 77 A of Registration Act 1908 for to cancellation document pertaining to the land in Survey no.82 Town Survey no. 2641/1, Pettai Village, Tirunelveli Taluk, registered vide doc.no. 4397/2008 dated 13.09.2008 on the file of 2nd respondent by playing fraud by the 3rd and 4th respondents and after conducting detailed enquiry in accordance with law.

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 is owner of the subject property by virtue of the registered document dated 11.07.2002. While so, some fraudulent transaction had been made in respect of the petitioner's property. Therefore, the petitioner filed an application to conduct enquiry and cancel the said fraudulent transaction. 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 is not maintainable, since the very Section 77(A) inserted under Registration Act 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 (Admin),
Palayamkottai Registration District,
Tirunelveli,
Tirunelveli District.
- 2.The Sub Registrar,
Pettai Sub Registrar Office,
Tirunelveli Town,
Tirunelveli.



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N.SATHISH KUMAR, J

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