



W.P(MD)No.4679 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.4679 of 2023

Kulandhaipandi

... Petitioner

Vs.

1.The District Registrar,
District Registration Office,
Cutchery Road,
Virudhunagar.

2.The Sub Registrar,
Sub Registration Office,
Keezharajakularaman,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to investigate the complaint who was made suppressed and illegally executed a sale deed bearing Document No.3436/2022 on the basis of the petitioner's representation dated 15.02.2023.

For Petitioner : Mr.R.Chandrasubramaniyan

For Respondents : Mr.P.Subbaraj
Special Government Pleader



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ORDER

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The petitioner seeks a direction to the first respondent to investigate the complaint with regard to the sale deed bearing Document No.3436/2022 on the basis of the petitioner's representation dated 15.02.2023.

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's friend had entered into a contract deed with one Sundar Raj to run a business in his property by giving a sum of Rs.7,00,000/-, for a period of 11 years. Since the friend of the petitioner is residing in Kerala, he executed a power deed in favour of the petitioner to run the said business. In the meantime, the said Sunar Raj had sold the said property to some other third party by suppressing the contract entered into between the petitioner's friend and him and without repaying the lease amount to the petitioner's friend. Hence, the petitioner made a detailed representation to enquire and cancel the said sale deed. Since the same was not considered, the petitioner has filed this writ petition.



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4.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,
District Registration Office,
Cutchery Road,
Virudhunagar.

2.The Sub Registrar,
Sub Registration Office,
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N.SATHISH KUMAR, J

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