



W.P(MD)No.5297 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.5297 of 2023

M.Selvalakshmi

... Petitioner

Vs.

1.The District Registrar,
Tenkasi District, Tenkasi.

2.The Sub Registrar,
Melaneelithanallur Sub Registrar Office,
Melaneelithanallur, Tenkasi District.

3.K.Maniom

4.Rajadurai

... 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 dispose the Appeal Petition dated 24.01.2023 submitted by the petitioners husband in record to cancel the Registered Settlement Deed made in Doc.No. 3160/2022 dated 17.10.2022 on the file of the 2nd respondent in accordance with section 77(A) of Indian Registration Act 1908 within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.K.Sankar
For R1 & R2	: Mr.M.Siddarthan
	Additional Government Pleader



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ORDER

The petitioner seeks a direction to the 1st respondent to dispose the Appeal Petition, dated 24.01.2023 submitted by the petitioner's husband to cancel the Registered Settlement Deed in Doc.No. 3160/2022 dated 17.10.2022 on the file of the 2nd respondent in accordance with section 77(A) of Indian Registration Act 1908.

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 properties are the ancestral properties of the petitioner's husband and are in possession and enjoyment of the petitioner's husband and his family members. However, the third respondent, claiming right over the subject property, obtained patta in respect of the subject property and executed a settlement deed in favour of the fourth respondent. Seeking to cancel the said settlement deed, the petitioner made an appeal before the first respondent. 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,
Tenkasi District, Tenkasi.
- 2.The Sub Registrar,
Melaneelithanallur Sub Registrar Office,
Melaneelithanallur, Tenkasi District.



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N.SATHISH KUMAR, J

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