



W.P(MD)No.8824 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.8824 of 2023

M.Esakkimuthu

... Petitioner

Vs.

1.The District Registrar,
Thoothukudi District, Thoothukudi.

2.The Sub Registrar,
Kayalpattinam,
Thoothukudi District.

3.Vijayalakshmi

... 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 1 and 2 to cancel the Document No.2128 of 214, i.e., Deed of Cancellation of Settlement executed in favour of the petitioner by the 3rd respondent by considering the petitioner's representation dated 10.12.2022 within the time limit as fixed by this Court.

For Petitioner	: Mr.A.P.G.Ohm Chirma Prabhu
For R1 & R2	: Mr.C.Satheesh
	Government Advocate



W.P(MD)No.8824 of 2023

WEB COPY

ORDER

The petitioner seeks a direction to the respondents 1 and 2 to cancel the Document No.2128 of 214, i.e., Deed of Cancellation of Settlement executed in favour of the petitioner by the 3rd respondent by considering the petitioner's representation dated 10.12.2022 within the time limit as fixed by this Court.

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 sister of the petitioner executed a settlement deed in respect of his share in the family property in favour of the petitioner. Based on the same, the petitioner obtained patta in his name and he is in peaceful possession and enjoyment of the property. While so, the sister of the petitioner had cancelled the said settlement deed without the knowledge of the petitioner. On coming to know the same, the petitioner had made a representation to the first and second respondents to cancel the said registration of cancellation deed. Since the same was not considered, the petitioner has filed this writ petition.



W.P(MD)No.8824 of 2023

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.

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The District Registrar,
Thoothukudi District, Thoothukudi.

2.The Sub Registrar,
Kayalpattinam,
Thoothukudi District.



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N.SATHISH KUMAR, J

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