



W.P(MD)No.9065 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.9065 of 2023

and

W.M.P.(MD)No.8214 of 2023

V.Ramanathan

... Petitioner

Vs.

1.The Inspector General of Registration,
Government of Tamil Nadu,
Chennai.

2.The District Registrar,
Karaikudi District,
Karaikudi.

3.The Sub Registrar,
Thondi,
Karaikudi Registration 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 2nd respondent to cancel the Doc.No.32 of 2010 dated 05.10.2010 on the file of the 3rd respondent and other subsequent documents, which has been executed under the above document in respect of the petitioner's property in S.No. 12/3B1 measuring 0.88 cents.

For Petitioner : Mr.P.Vinoth



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For Respondents : Mr.M.Siddharthan
Additional Government Pleader

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ORDER

The petitioner seeks a direction to the respondents 2nd respondent to cancel the Doc.No.32 of 2010 dated 05.10.2010 on the file of the 3rd respondent and other subsequent documents, which has been executed in respect of the petitioner's property in S.No. 12/3B1 measuring 0.88 cents.

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 purchased the property in question under the registered sale deed dated 19.11.2009 from the legal heirs of one Guruvammal, the original owner of the subject property. While so, one Ayub Khan, who is also the valid purchaser of the Guruvammal's property from her legal heir, had executed a sale deed including the property of the petitioner also. Hence, the petitioner made an application before the second respondent requesting the second respondent to cancel the said document. The second respondent after conducting enquiry, had not taken any action to cancel the said document. Hence, the petitioner has filed this writ petition.



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4.It is seen that 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. 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 Inspector General of Registration,
Government of Tamil Nadu, Chennai.
- 2.The District Registrar,
Karaikudi District, Karaikudi.
- 3.The Sub Registrar,
Thondi,
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