



WEB COPY

W.P(MD)No.9762 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.9762 of 2023

and

W.M.P.(MD)No.22444 of 2023

M.Shanthi

... Petitioner

Vs.

1.The Inspector of General of Registration,
Office of the Inspector of General of Registration,
No. 120, Santhome High Road, Chennai 028.

2.The District Registrar (Administration),
Office of the Registration Department,
Madurai District, Madurai.

3.The Sub Registrar,
Sub-Registrar Office,
Chekkanurani,
Madurai District.

4.Paldurai

5.Saminathan

6.Deivam

7.Subbaiah Thevar,

... Respondents

[R3 cause title Suo Motu Amended Vide Court Order Dated 25.04.2023]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents No. 1 to 3 to cancel the Power Deed vide Document No. 48/1986 and subsequent documents also registered on the file of the 3rd



respondent in connection with Survey No. 249/4 to an extent of 2 Acres 21 Cents situated at Puliyanikulam Village, Thirumangalam Taluk, Madurai District, as per the proceedings in Moo.Moo.7615/2010/A3 dated 12.01.2011 issued by the Revenue Divisional Officer, Usilampatti, Madurai District, as per circular No. 41530/U1/2017 dated 31.07.2018 and Circular No. 20217/U1/2021 dated 09.07.2021 issued by the 1st Respondent based on the petitioner's representation dated 14.11.2022 within the time frame stipulated by this Court.

For Petitioner : Mr.M.Sridharan
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner seeks a direction to the official respondents to cancel the Power Deed vide Document No. 48/1986 and subsequent documents also registered on the file of the 3rd respondent in connection with Survey No. 249/4 situated at Puliyanikulam Village, Thirumangalam Taluk, Madurai District based on the petitioner's representation dated 14.11.2022 within the time frame stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.The contention of the petitioner is that the subject property is the ancestral property of the petitioner. The petitioner and his family members are in possession and enjoyment of the same. While so, the



revenue authorities had mistakenly mentioned the name of the father of the private respondents in the revenue records with respect to the subject property. Taking advantage of the same, the private respondents herein had dealt with the ancestral property of the petitioner. Hence, the petitioner made a representation to cancel the fraudulent documents registered with regard to the subject property illegally. Since the same was not considered, the petitioner has filed this writ petition.

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

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No. 120, Santhome High Road, Chennai 028.
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N.SATHISH KUMAR, J

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