



W.P(MD)No.11227 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.11227 of 2019

R.Thiraviam

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Dindigul, Dindigul District.

2.The Sub-Registrar,
Dindigul, Dindigul District.

3.P.Sureshbabu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in OO.MU.No.5722/AA3/2018 dated 29.11.2018 and consequently direct the 1st respondent to remove the encumbrance (in Document No. 6220/2013), made in petitioner's property in T.S.No.112, old door No.135, new door No.1, house, 3rd ward Pallivasal Street, Dindigul Town, on the file of the 2nd respondent.

For Petitioner	: Mr.J.Jeyakumaran
For R1 & R2	: Mr.M.Siddarthan Additional Government Pleader
For R3	: Mr.G.Gomathi Sankar



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ORDER

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Challenge has been made to the proceedings of the first respondent dated 29.11.2018 rejecting the representation of the petitioner, this writ petition has been filed.

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

3.The case of the petitioner is that petitioner had purchased a loan from the third respondent. The third respondent forging the document as if the petitioner had entered into a sale agreement with him. Based on the same, the third respondent filed a suit in O.S.No.46 of 2014 and the same was dismissed. Therefore, the petitioner made a representation to the first respondent to cancel the document registered with respect to the subject property based on the said decree. However, the same was rejected by an order dated 29.11.2018. challenging the same, the petitioner has filed this writ petition.

4.The learned Additional Government Pleader submitted that as against the judgment and decree in O.S.No.46 of 2014, an appeal has been filed in A.S.(MD)No.152 of 2021 and the same is pending before this Court.



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5.Be that as it may, as far as cancellation of a registered document is concerned, the registering authorities have no power to conduct enquiry with regard to the registered documents, 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,
District Registrar Office,
Dindigul, Dindigul District.
- 2.The Sub-Registrar,
Dindigul, Dindigul District.



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N.SATHISH KUMAR, J

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