



W.P(MD)No.10595 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.10595 of 2023

M/s.Hindu Nadar Primary School,
Rep. by its Secretary / Headmaster,
N.Vedapatti

... Petitioner

Vs.

1.The District Registrar, (Administration),
District Registrar's Office,
Thirunelveli District.

2.V.Balakrishnan

... 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 of the representation of the petitioner dated 07.02.2022, seeking to cancel the registration of the settlement deed in Document No.1709 of 2009 within the time frame as determined by this Court.

For Petitioner : Mr.L.Siva

For R1 : Mr.P.Subbaraj,
Special Government Pleader

For R2 : Mr.A.Srinivasan



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ORDER

The petitioner seeks a direction to the 1st respondent to dispose of his representation dated 07.02.2022, to cancel the registration of the settlement deed in Document No.1709 of 2009, within the time frame as determined by this Court.

2.It is the case of the petitioner School that the land in Survey No.73/2A to an extent of 17.5 acre situated at N.Vedapatti, Ettayapuram Taluk, Pudur Union, Thoothukudi District, belongs to the petitioner School and joint patta was granted in favour of 17 persons, including the petitioner School in respect of the land in Survey Nos.73/2A and 73/2C. The 2nd respondent, in order to grab the land in question, illegally obtained patta in respect of the land in question. Against which, the petitioner School preferred an appeal before the District Revenue Officer, Thoothukudi, who in turn, after conducting enquiry, cancelled the patta granted in favour of the 2nd respondent. Thereafter, the 2nd respondent executed a settlement deed dated 24.08.2009 in favour of his wife. Therefore, seeking cancellation of the same, the petitioner sent a representation dated 07.02.2022 to the 1st respondent. Since the same has not been considered so far, the petitioner has filed this Writ Petition.



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3.At the outset, this Court is of the view 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. The registering authority has no power to cancel the document already registered. 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 as per ***Satya Pal Anand v. State of M.P.[2016 10 SCC 767]*** and ***G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024.*** Accordingly, this Writ Petition is dismissed. No costs.

18.09.2024

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

Yuva

To

The District Registrar, (Administration),
District Registrar's Office,
Thirunelveli District.



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