



W.P.(MD) No.12923 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.12923 2019

and

W.M.P.(MD)Nos.9630 and 9631 of 2019

Deivanai Achi

...Petitioner

-VS-

1.The District Registrar,
Sivagangai District, Sivagangai.

2.A.Pandiyan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari calling for the records in Na.Ka.No.3372/E1/2016 dated 02.05.2017 on the file of the first respondent and quash the same.

For Petitioner	: Mr.R.Maheswaran
For R1	: Mr.M.Siddharthan
	Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by



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the first respondent in Na.Ka.No.3372/E1/2016 dated 02.05.2017.

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2.It is the case of the writ petitioner that she purchased the subject property by way of registered sale deed dated 15.09.2014. She is in possession and enjoyment of the same, from the date of purchase. She traces title by way of sale deed executed in favour of his vendor's husband. While so, based on the complaint given by the second respondent stating that the petitioner had purchased the subject property by way of false documents, the first respondent had cancelled the registered sale deed registered with regard to the petition mentioned property in favour of the petitioner's vendor and the petitioner. challenging the same, the petitioner has filed this writ petition.

3.At the outset, the Registrar has no power to cancel the registered document as 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, the issue of title and the fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil



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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].

4.The order impugned in this writ petition clearly indicate that the first respondent had gone into the issue of title. The allegation with regard to forgery or fraudulent registration cannot be established before the Registering Authority. It has to be established by adducing necessary evidence before the competent civil Court.

5.In view of the above settled position of law, the order passed by the authorities concerned cannot be sustained. Accordingly, this writ petition is allowed and the order of the first respondent in Na.Ka.No. 3372/E1/2016 dated 02.05.2017 is set aside. The parties shall work out their remedy before the competent Civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No

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N.SATHISH KUMAR, J.

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To:

The District Registrar,
Sivagangai District, Sivagangai.

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