



W.P(MD)No.11110 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.11110 of 2023

and

W.M.P.(MD)No.9695 of 2023

Pandiyammal

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai 600028.

2.The District Registrar,
District Registrar Office,
Dindigul, Dindigul District.

3.The Sub Registrar,
Sub Registrar Office,
Sanarpatti,
Dindigul District.

4.Veeralakkammal

5.Amutha

6.Chellapandiyammal

... 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 documents of Doc.No.1029/1998 dated 16.12.1998 and Doc.No. 4689/2022 dated 30.12.2022 registered at 3rd respondent's Sub Registrar Office



W.P(MD)No.11110 of 2023

for the property of bearing Survey Nos.320/1, 321/1B, New Survey No. 321/1B2, an extent of 1 Acre and 17 cents - Patta No.881, situated at Anjukulipatti Revenue Village, Ellapatti, Dindigul East Taluk, Dindigul District.

For Petitioner : Mr.R.Murugappan
For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader
For R4 & R5 : Mr.I.Deepak
For R8 : Mr.K.Suryamoorthy

ORDER

The petitioner seeks a direction to the second respondent to cancel the documents of Doc.No.1029/1998 dated 16.12.1998 and Doc.No.4689/2022 dated 30.12.2022 registered at 3rd respondent's Sub Registrar Office for the property, bearing Survey Nos.320/1, 321/1B, New Survey No.321/1B2, measuring an extent of 1 Acre and 17 cents situated at Anjukulipatti Revenue Village, Ellapatti, Dindigul East Taluk, Dindigul District.

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 properties originally belonged to the sixth respondent. The fourth respondent herein had created forged



W.P(MD)No.11110 of 2023

settlement deed as if the subject properties belonged to the petitioner and she executed the settlement deed in favour of the fourth respondent. Therefore, the petitioner made several representations to the authorities concerned to cancel the above said documents. Since the same were 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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W.P(MD)No.11110 of 2023

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To

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100, Santhome High Road, Pattinapakkam,
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W.P(MD)No.11110 of 2023

N.SATHISH KUMAR, J

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W.P(MD)No.11110 of 2023

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