



W.P(MD)No.10599 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.10599 of 2023

Chellam

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The District Registrar,
O/o. District Registrar,
Near Canara Bank,
Madurai Main Road,
Periyakulam, Theni District.

4.The Sub-Registrar,
Sub Registrar Office,
Antipatti, Theni District.

5.Sureshkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to take steps to cancel the settlement deed executed by the petitioner in favour of



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the 5th Respondent in Document No.3754/2020 dated 05.08.2020 by considering his representation dated 05.04.2023.

For Petitioner : Mr.S.Muniyandi
For R1 to R4 : Mr.P.Subbaraj
Government Advocate
For R5 : Mr.M.Muthu Chakaravarthi

ORDER

The petitioner seeks a direction to the official respondents to take steps to cancel the settlement deed executed by the petitioner in favour of the 5th Respondent in Document No.3754/2020 dated 05.08.2020 by considering his representation dated 05.04.2023.

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 petitioner purchased the subject property in the name of his wife and from the date of purchase he is in possession and enjoyment of the said property. Subsequently, the petitioner's wife had executed a settlement deed in favour of the petitioner. Thereafter, the petitioner executed a settlement deed in favour of the fifth respondent on



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believing his words that he will take care of the petitioner's wife and daughter.

Since he failed to honour his words, the petitioner made a representation to the second respondent to cancel the said document executed in favour of the fifth respondent. 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.

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J

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