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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.10943 of 2023

C.Dhanalakshmi ... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
Collectorate Additional Building,
Karur Collectorate, Thanthonimalai,
Karur-639 007.

3.The Sub Registrar,
Velliyanai North,
Karur-639 118. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.2 to consider the representation of the petitioner, dated 21.12.2022, conduct an enquiry in terms of Section 77-A of the Registration Act, 1908 for annulment of the Document No.1180 of 2014 dated 13.06.2018, registered on the file of the respondent No.3 and pass orders thereon within a time frame as may be fixed by this Court.

For Petitioner : Mr.Y.Prakash
For Respondents : Mr.C.Satheesh
Government Advocate

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ORDER

The petitioner seeks a direction to the second respondent to consider the representation of the petitioner, dated 21.12.2022 seeking to conduct an enquiry in terms of Section 77-A of the Registration Act, 1908 for annulment of the Document No.1180 of 2014 dated 13.06.2018, registered on the file of the third respondent.

2.At the outset, the prayer sought for by the petitioner is not maintainable since 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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