



W.P(MD)No.11553 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.11553 of 2023

and

W.M.P.(MD)Nos.10046 & 10047 of 2023

R.Rajathi

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
O/o. the Deputy Inspector General of Registration,
Ramanathapuram Zone & District,
Ramanathapuram.

2.The District Registrar (Administration),
Ramanathapuram District, Ramanathapuram.

3.The Sub Registrar,
O/o. The Sub Registrar,
Sayalkudi, Ramanathapuram District.

4.Petchiyammal @ Karthiyayini Natchiar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.162/A1/2023, dated 27.04.2023 and quash the same.

For Petitioner : Ms.H.Jasima Yasmin,
for M/s.Ajmal Associates



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For R1 to R3 : Mr.P.Subbaraj,
Special Government Pleader
For R4 : Mr.R.Murali

ORDER

The order of the 1st respondent dated 27.04.2023, declaring the document already registered as forged one, is under challenge in this Writ Petition.

2.It is the case of the petitioner that the land in Survey No.192/14, Sayalkudi Village, Kadaladi Taluk, Ramanathapuram District was originally belonged to one Annachamy Pandian. The petitioner had purchased the land in question from one Thangaraj, who is the power agent of the said Annachamy Pandian. From the date of purchase, she has been in possession and enjoyment of the same. In such circumstances, the 4th respondent, who is the daughter of the petitioner's vendor, has given a petition before the 2nd respondent, seeking cancellation of the sale deeds executed in favour of the petitioner, on the ground that the land in question was already settled by her father, vide registered Doc.No.9945/1994. The 2nd respondent, after conducting enquiry, dismissed the petition filed by the 4th respondent, stating that there was no



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impersonation or forgery committed. Aggrieved by the same, the 4th respondent preferred an appeal before the 1st respondent, who in turn, vide order dated 27.04.2023, declared the sale deeds of the petitioner as fraudulent documents. Challenging the same, the petitioner has filed this Writ Petition.

3.This Court is of the view that merely because a person has raised some title dispute, it cannot be a ground to cancel the document already registered. Further, 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. 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.

4.In view of the above settled position of law, the impugned order of the 1st respondent dated 27.04.2023 is quashed and this Writ Petition is allowed.

5.At this stage, it is stated by the learned counsel for the petitioner that the suit in O.S.No.42 of 2019 filed by the petitioner, is pending before the



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District Munsif Court, Kadaladi and the same may be directed to be disposed of within a time frame.

6.Considering the request made by the petitioner, since the suit is pending for more than five years, the learned District Munsif, Kadaladi is directed to dispose of the suit as expeditiously as possible without any further delay. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2024

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

To

- 1.The Deputy Inspector General of Registration,
O/o. the Deputy Inspector General of Registration,
Ramanathapuram Zone & District,
Ramanathapuram.
- 2.The District Registrar (Administration),
Ramanathapuram District, Ramanathapuram.
- 3.The Sub Registrar,
O/o. The Sub Registrar,
Sayalkudi, Ramanathapuram District.



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N.SATHISH KUMAR, J

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