



WP(MD). No.11856 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 20/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.11856 of 2023
and WMP(MD) Nos.10257 and 10258 of 2023**

Abdul Hameed. A

... Petitioner

Vs

1. The District Registrar,
Thanjavur District, Thanjavur..

2. Mohamed Kasim. Mmd,
S/o. Mm. Dawood Kani, No.80, 10th
Street, Arulanantham Nagar West,
Thanjavur, Thanjavur District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Mu.Mu. No.2581/A2/2022, dated 17.04.2023 and quash the same as illegal.

For Petitioner : M/s. Ajmal Associates,
For Respondent : Mr.R.Sundar Srinivasan for R2
Mr.P.Subbaraj for R1
Special Government Pleader



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ORDER

The writ petition has been filed challenging the impugned order of the 1st respondent dated 17.04.2023.

Since the impugned order itself is not proper, no counter is required in this matter.

2. The case of the petitioner is that the subject property was purchased by the petitioner in the year 2011 under valid sale deed and he has subsequently sold the said property to others under six sale deeds and mutation was also taken place. While so, the 2nd respondent submitted a petition to the 1st respondent to invoke Section 77A of the Registration Act and the petitioner has also submitted his objection and appeared for enquiry. However, on 17.04.2023, the impugned order came to be passed thereby cancelling the documents of the year 2007 and the consequential documents were also cancelled. Challenging the same, the petitioner is before this Court.

3. No counter affidavit has been filed. I have considered the rival submissions and perused the materials available on record.



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4. It is seen that 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 and title issue cannot be gone into by the authorities, which have 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*. Accordingly, the impugned order is quashed and the writ petition is allowed. No costs. Consequently connected Miscellaneous Petitions are closed.

20.09.2024

RR

TO
The District Registrar,
Thanjavur District, Thanjavur..



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N.SATHISH KUMAR,J

RR

**ORDER
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