



W.P(MD)No.11716 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.11716 of 2023

and

W.M.P.(MD)No.10166 of 2023

1.Rajan @ Rajamony

2.R.S.Rimal Issac

... Petitioners

Vs.

1.The District Registrar (Administration),
Marthandam, Kanyakumari District.

2.Babu

... 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.4590/J/2022, dated 19.04.2023 and quash the same.

For Petitioners : Mr.S.C.Herold Singh

For R1 : Mr.M.Siddharthan,
Additional Government Pleader

For R2 : M/s.V.Janaki Devi



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ORDER

Heard both sides.

2.It is the grievance of the petitioners that the settlement deed dated 23.10.2013 executed by the 1st petitioner in favour of the 2nd petitioner, who is none other than the son of the 1st petitioner, was cancelled by the 1st respondent, vide order dated 19.04.2023 on the ground that the 2nd respondent filed a petition, stating that while executing the settlement deed, the 1st petitioner wrongly mentioned the re-survey No.520 instead of re-survey No.521/10. 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*.



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4.In view of the above settled position of law, the impugned order of the 1st respondent dated 19.04.2023 is quashed and this Writ Petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

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

To

The District Registrar (Administration),
Marthandam, Kanyakumari District.



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N.SATHISH KUMAR, J

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