



WP(MD). No.11830 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.11830 of 2023
and WMP(MD) Nos.10228 and 13305 of 2023**

Jeyachandran.K

... Petitioner

Vs

1. The District Registrar (Administration),
(Assistant Inspector General of Registration Cadre),
Madurai South,
Madurai..

2. R.Ramalingam,,
S/o.Ramalingam Filial,
Door No.2/30,
Ponmeni Periyavar Street,
Sakthivelammal Nagar,
S.S.Colony,
Madurai-625 016..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari to call for the records and quash the impugned notice issued by the 1st respondent in Na.Ka.No.2909/A2/2023 dated 13.04.2023 as illegal, incompetent and without jurisdiction.



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For Petitioner : M/s.Priscilla Jancy.K.M,
For Respondents : Mr.C.Satheesh for R1
Additional Government Pleader
Mr.N.Sathish Babu for R2

ORDER

The writ petition has been filed challenging the order of the 1st respondent dated 13.04.2023.

2. The case of the petitioner is that the subject property had been devolved upon the father of the petitioner on the strength of the Will said to have been executed by deceased Narayana Pillai. The father of the petitioner has executed sale deeds in favour of the petitioner herein and the petitioner is in possession and enjoyment of the said property. While so, a complaint has been given by the 2nd respondent, who has no right whatsoever in the property, to the 1st respondent to invoke Section 77A of the Registration Act, 1908. Based on the said complaint, the impugned order came to be passed calling the petitioner to submit the entire documents, failing which, order would be passed to cancel the documents.



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

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

1. The District Registrar (Administration),
(Assistant Inspector General of Registration Cadre),
Madurai South,
Madurai..



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N.SATHISH KUMAR,J

RR

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