



W.P(MD)No.13630 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.13630 of 2023

K.Balasubramanian

... Petitioner

Vs.

1.The District Registrar (Administration),
Madurai North,
Integrated Complex of Registration Department,
TNAU Nagar,
Rajakambeeram,
Y.Othakadai,
Madurai-625 107.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Melur, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to cancel the cultivating tenant made-over in Document no.1963 and document No.1964 dated 20.04.2009 registered in the office of the second respondent by considering the representation of the petitioner dated 26.04.2023 within a time frame as may be fixed by this Court.

For Petitioner	: Mr.P.Jessi Jeeva Priya
For R1 & R2	: Mr.P.Subbaraj
	Special Government Pleader



W.P(MD)No.13630 of 2023

For R3 : Mr.R.Shankar Ganesh

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ORDER

The petitioner seeks a direction to the respondents to cancel the cultivating tenant made-over in Document no.1963 and document No.1964 dated 20.04.2009 registered in the office of the second respondent by considering the representation of the petitioner dated 26.04.2023 .

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.It is the case of the petitioner that the subject properties originally belonged to the petitioner and his wife. However, some third parties tried to interfere with the peaceful possession and enjoyment of the said properties by making entries in the approved records as they are the cultivating tenants in the subject property. Hence, the third respondent had made an application before the third respondent for making changes in the approved record. Since the same was not considered so far, the petitioner has filed this writ petition.



W.P(MD)No.13630 of 2023

4.At the outset, the prayer sought for by the petitioner in this writ petition 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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To

- 1.The District Registrar (Administration),
Madurai North, Integrated Complex of Registration Department,
TNAU Nagar, Rajakambeeram,
Y.Othakadai, Madurai-625 107.
- 2.The Sub-Registrar,
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W.P(MD)No.13630 of 2023

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W.P(MD)No.13630 of 2023

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