



W.P(MD).No.13454 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.13454 of 2023

Suraiya Begam

... Petitioner

Vs.,

1.The Inspector General of Registration,
Santhoam High Road,
Chennai.

2.The District Registrar,
District Registrar Office,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the second respondent to complete the enquiry and to pass final order in Na.Ka.No.4739/Aa1/2022 within a stipulated time fixed by this Court by considering the petitioner's petition dated 06.10.2022 by affording proper and appropriate opportunity to the interested parties.

For Petitioner : Mr.Viralinathan.K.

For Respondents : Mr.M.Siddharthan

Additional Government Pleader



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ORDER

The petitioner seeks a direction to the second respondent to consider the petitioner's representation dated 06.10.2022 and to conduct an enquiry under Section 77-A of Tamil Nadu Registration Act.

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 petitioner's father had purchased the property in S.No.416/3 to an extent of 1 Acre 38 cents and S.No.417/9 to an extent of 5 Acre 12 cents. After the demise of the petitioner's father, the petitioner's mother was in possession of the said property. Since the petitioner's mother was unable to manage the said property, she appointed one S.M.Noor Mohammed as her power agent vide registered Doc No.88/1986 dated 26.08.1986. Thereafter, the petitioner's mother was dead. However, the said S.M.Noor Mohammed using earlier power of attorney attempted to sell the petitioner's property. In this regard, the petitioner has made a petition to the second respondent. Upon which, the second respondent issued notice to the petitioner as



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well as other interested parties. Thereafter, no step was taken. Hence, the petitioner is before this Court.

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 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**. Accordingly, this Writ Petition is dismissed. No costs.

03.09.2024

NCC : Yes/No
Index : Yes/No
Rmk

To
1.The Inspector General of Registration,
Santhoam High Road,
Chennai.

2.The District Registrar,
District Registrar Office,
Ramanathapuram District,
Ramanathapuram.



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N.SATHISH KUMAR, J.

Rmk

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