



W.P(MD)No.14493 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.14493 of 2023

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... Petitioner

Vs.

- 1.The Secretary,
Department of Registration,
Secretariat of Tamil Nadu,
St. George Fort, Chempauk, Chennai.
- 2.The Inspector General of Registration,
IG of Registration Office,
Santhome Road, Santhome,
Chennai -28.
- 3.The District Registrar,
District Registration Office,
Marthandam, Kanniyakumari District.
- 4.The Sub Registrar,
Sub Registration Office,
Paluhal, Kanniyakumari District.
- 5.Thangappan
- 6.Suresh Benz Bell

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to cancel the sale deed dated 15.02.2023 vide registered document No. 325/2023,



W.P(MD)No.14493 of 2023

registered before Sub Registration Office, Paluhal, Kanniyakumari District and to consider petitioner representation dated 04.03.2023.

For Petitioner : Mr.K.K.Samy
For R1 to R4 : Mr.P.Subbaraj
Special Government Pleader
For R5 & R6 : Mr.R.Rajamohan

ORDER

The petitioner seeks a direction to the 3rd respondent to cancel the sale deed dated 15.02.2023 registered before Sub Registration Office, Paluhal, Kanniyakumari District vide registered document No. 325/2023 by considering petitioner's representation dated 04.03.2023.

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 property belonged to her husband and he affected with some mental issues due to consumption of alcohol. The fifth respondent had entered into a sale agreement with her husband by taking advantage of his unsound mind. Hence, the petitioner made a representation to the third respondent to cancel the said sale agreement. Since the same was not considered, the petitioner has filed this writ petition.



W.P(MD)No.14493 of 2023

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4.At the outset, the prayer sought for by the petitioner is not maintainable, since 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 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,
Tenkasi District, Tenkasi.
- 2.The Sub Registrar,
Melaneelithanallur Sub Registrar Office,
Melaneelithanallur, Tenkasi District.



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W.P(MD)No.14493 of 2023

N.SATHISH KUMAR, J

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W.P(MD)No.14493 of 2023

27.08.2024