



WP(MD). No.14394 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 24/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.14394 of 2023

WMP(MD) Nos.12197 and 12198 of 2023

Paneerselvam K.P

... Petitioner

Vs

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

2. The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Tirunelveli Range,
Tirunelveli.

3. The District Registrar, (Administration),
Office of the District Registrar,
Thoothukudi District..

4. The Sub Registrar,
Sub Registration Office, Tiruchendur,
Thoothukudi District.

5. The Sub Registrar,
Sub Registration Office, Mudukulathur,
Ramanathapuram District.



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6. Pugazhenthii,
S/o.Muniyasamy, No.139, Posukudi Patti,
Meesal Post, Mudukulathur Taluk,
Ramanathapuram District.

7. Bose.V,
S/o.Velusamy Thevar, No.14/75,
Selviamman Kovil Street,
Mudukulathur Town and Taluk,
Ramanathapuram District.

8. Murugakrishnan.C,
S/o.Chinnathambi, No.115(1), Seranthai
Village, Valinokkam Post, Kadaladi Taluk,
Ramanathapuram District.

9. Maruthupandian.R,
S/o.K.Ramachandran, Ayyanarkovil Street,
Vadakkoor, Mudukulathur Town and Taluk,
Ramanathapuram District.

10. Rani.K,
W/o.Sivaramakrishnan, East Car Street,
Mudukulathur Town and Taluk,
Ramanathapuram District.

11. Jayasimman.K,
S/o.Late.P.Karunakaran, D.No.14/8,
Rajus Street, Vadakkoor, Mudukulathur
Town, Ramanathapuram District.

12. Pathinettampadian.K,
S/o.Late.K.P.Karunakaran, D.No.14/8,
Rajus Street, Vadakkoor, Mudukulathur
Town, Ramanathapuram District.

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.3366/Tha.Bi/2022 dated 26.04.2023 and quash the same as illegal and unconstitutional and consequently directing the respondents 4 and 5 herein to implement the order passed by the 3rd respondent herein in Moo.Mu.No.583/Aa4/2021 dated 12.05.2022 within the time stipulated by this Court

For Petitioner : Mr.C.Gangai Amaran,
For Respondents : Mr.P.Subbaraj for R1 to R5
Special Government Pleader
Mr.B.Mahendra Rajan for R7 to R9

ORDER

The writ petition has been filed challenging the impugned order of the 2nd respondent dated 26.04.2023 and direct the respondents 4 and 5 to implement the order passed by the 3rd respondent herein in Moo.Mu.No. 583/Aa4/2021 dated 12.05.2022 within the time stipulated by this Court.

2. It is the case of the petitioner that the subject properties are the ancestral properties of the petitioner and his brother. While so, after the death of the petitioner's brother, the legal heirs have executed a



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settlement deed in favour of third parties including the share of the petitioner, his sister and his mother. Subsequently, the same has been registered. The petitioner has also given his objections and the third respondent has also made necessary entries regarding the objections. However, the private respondents by colluding with the legal heirs of the brother of the petitioner executed settlement deed in their favour. The suit has also been filed by the petitioner and the same is pending. The third respondent has given a categorical finding that there are fraudulent transactions. However, on appeal preferred by the respondents 6 to 9, it is stated by the 2nd respondent that there is no fraudulent registration. Challenging the same, the petitioner is before this Court.

3. I have considered the rival submissions and perused the materials available on record.

4. At the outset, this Court is of the view that as per the law laid down in ***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*, fraudulent transaction cannot be gone into by the authorities



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and cancel the document, which has to be established in the manner known to law before the civil Court. Accordingly, the impugned order is quashed and the writ petition is allowed. It is for the parties to work out their remedy before the civil court. No costs. Consequently connected Miscellaneous Petitions are closed.

24.09.2024

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TO

1. The Inspector General of Registration,
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2. The Deputy Inspector General of Registration,
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Tirunelveli.
3. The District Registrar, (Administration),
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4. The Sub Registrar,
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5. The Sub Registrar,
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N.SATHISH KUMAR,J

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