



W.P(MD)No.15908 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.15908 of 2019

and

W.M.P.(MD)Nos.12634 of 2019 and 1948 of 2021

Sudalai Ammal

... Petitioner

Vs.

1.The Madurai Region Deputy
Inspector General of Registration,
Rajakambeeram, Othakadai,
Madurai District.

2.The District Registrar,
Virudhunagar District.

3.The Sub Registrar,
Sub Registrar Office,
Sathur, Virudhunagar District.

4.Sempukutti Kannan

... Respondents

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 of the impugned orders No.8540/E3/A2/2018, dated 28.05.2019 and Na.Ka.No.3845/Aa4/2018 dated 10.11.2018 passed by the respondents 1 and 2 respectively and quash the both, and consequently direct the respondents 1 to 3



W.P(MD)No.15908 of 2019

to cancel the document of Will dated 08.05.2015 registered at the 3rd respondent Sub Registrar Office as Doc.No.56.03.2015 .

For Petitioner : Mr.R.Murugappan
For R1 to R3 : Mr.C.Satheesh
Government Advocate
For R4 : Mr.D.Ramesh Kumar

ORDER

The petitioner has filed this writ petition challenging the orders in No.8540/E3/A2/2018, dated 28.05.2019 and Na.Ka.No.3845/Aa4/2018 dated 10.11.2018 passed by the respondents 1 and 2, respectively and consequently to direct the respondents 1 to 3 to cancel the document of Will dated 08.05.2015 registered at the 3rd respondent Sub Registrar Office as Doc.No.56.03.2015 .

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 husband is the original owner of the subject property. The fourth respondent, who is no way connected to the property or the family of the petitioner, had created a forged sale deed and a Will in his favour as if it was executed by the petitioner's



W.P(MD)No.15908 of 2019

husband. Seeking to cancel the same, the petitioner has filed a petition before the authorities concerned. However, the the authorities without taking note of the factual aspects had rejected the same and relegated the parties to the civil Court. Challenging the same, the petitioner has filed this writ petition.

4.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, such 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]***.

5.In view of the above settled position of law, unless the power is specifically vested with the registering authority to cancel any document and to go into the matter, there cannot be any direction to the authorities concerned to cancel the document.



W.P(MD)No.15908 of 2019

6. With the above observations, this Writ Petition is dismissed. It is

for the petitioner to work out his remedy before the competent civil Court in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ta

To

- 1.The Madurai Region Deputy
Inspector General of Registration,
Rajakambeeram, Othakadai,
Madurai District.
- 2.The District Registrar,
Virudhunagar District.
- 3.The Sub Registrar,
Sub Registrar Office,
Sathur, Virudhunagar District.



WEB COPY



W.P(MD)No.15908 of 2019

N.SATHISH KUMAR, J

ta

W.P(MD)No.15908 of 2019

27.08.2024