



W.P(MD)No.14633 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.14633 of 2023

and

W.M.P.(MD)No.12360 of 2023

Thirunavukkarasu

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinappakkam, Chennai-600 028.

2.The District Registrar (Admin),
District Registrar Office,
Palace Road, Madurai (South).

3.The District Registrar (Admin),
District Registrar Office,
Madurai North, Othakadai,
Madurai District.

4.The Sub Registrar,
Sub-Registrar Office,
Thallakulam, Madurai.

5.Ilango

... 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 of Doc.No.2293/2001, dated 10.09.2021 registered at the 4th respondent Sub Registrar Office by the 5th respondent with regard to the



W.P(MD)No.14633 of 2023

petitioner's family property of bearing Revenue Survey No.831, to an extent of 1 acre and 45 cents comprised in Town Survey No.12, situated at North of Mathichiyam Revenue Village, present Madurai Corporation Ward No.10 and D.No.20.

For Petitioner : Mr.R.Murugappan
For R1 to R4 : Mr.P.Subbaraj,
Special Government Pleader
For R5 : Mrs.Chamundi Bose

ORDER

The petitioner seeks a direction to the 3rd respondent to cancel the sale deed of Doc.No.2293/2001, dated 10.09.2021 registered at the 4th respondent Sub Registrar Office by the 5th respondent with regard to the petitioner's family property of bearing Revenue Survey No.831, to an extent of 1 acre and 45 cents comprised in Town Survey No.12, situated at North of Mathichiyam Revenue Village, present Madurai Corporation Ward No.10 and D.No.20.

2.It is the case of the petitioner that the property in question belonged to the petitioner's family. However, the 5th respondent created forged document as if the petitioner's family sold the property to him and registered a sale deed dated 10.09.2021. Therefore, the petitioner sent representations dated 03.06.2023 and 14.06.2023 to the respondents 2 and 3 seeking cancellation of



W.P(MD)No.14633 of 2023

the said fraudulent sale deed. Since the same have not been considered so far, the petitioner has filed this Writ Petition.

3.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. Consequently, connected miscellaneous petition is closed.

05.09.2024

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

Yuva

To

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinappakkam, Chennai-600 028.



W.P(MD)No.14633 of 2023

2.The District Registrar (Admin),
District Registrar Office,
Palace Road, Madurai (South).

3.The District Registrar (Admin),
District Registrar Office,
Madurai North, Othakadai,
Madurai District.

4.The Sub Registrar,
Sub-Registrar Office,
Thallakulam, Madurai.



WEB COPY



W.P(MD)No.14633 of 2023

N.SATHISH KUMAR, J

Yuva

W.P(MD)No.14633 of 2023

05.09.2024