



W.P(MD)No.14672 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.14672 of 2023

Kaja

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Periyakulam, Theni District.

2.The Sub Registrar,
Joint No.1 Sub Registrar Office,
Periyakulam, Theni District-625601.

3.Mahaboobjan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to take necessary action and to cancel the registered sale deed vide Document No. 1523/2012 on the file of the 2nd respondent by considering the petitioner's representation dated 13.02.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For R1 & R2 : Mr.P.Subbaraj,

Special Government Pleader



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ORDER

The petitioner seeks a direction to the 1st respondent to take necessary action and to cancel the registered sale deed vide Document No.1523/2012 on the file of the 2nd respondent by considering the petitioner's representation dated 13.02.2023 within a stipulated time that may be fixed by this Court.

2.It is the case of the petitioner that he purchased a land in Natham Survey No.561/2H to an extent of 10 cents situated at Thasidar Nagar, Tharamarikulam Village, Periyakulam Taluk from one Ganesan. Subsequent to the purchase, he availed home loan from State Bank of India, Periyakulam Branch by executing the memorandum of deposit of title deeds. Thereafter, he executed a sale deed to the 3rd respondent for the said property on condition that the 3rd respondent has to settle down the loan availed by the petitioner. However, the 3rd respondent did not take any steps to close the loan. Therefore, the petitioner sent a representation dated 13.02.2023 to the 1st respondent, seeking cancellation of the sale deed executed by the petitioner. Since the same has not been considered so far, the petitioner has filed this Writ Petition.



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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. The Registering Authority has no power to go into all these transactions, 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.

05.09.2024

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

Yuva

To

- 1.The District Registrar,
District Registrar Office,
Periyakulam, Theni District.
- 2.The Sub Registrar,
Joint No.1 Sub Registrar Office,
Periyakulam, Theni District-625601.



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N.SATHISH KUMAR, J

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