



W.P(MD)No.14822 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.14822 of 2023

R.Muthukumaran

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Integrated Building of Registration Department,
TNAU Nagar, Rajakambeeram, Y.Othakadai,
Madurai-625107.

2.The District Registrar (Admin),
No.171, Palace Road, Madurai-1,
Madurai District(North).

3.The Sub Registrar,
Office of the Sub Registrar,
Registration District of Thallakulam,
Madurai District.

4.N.Rajendran

5.R.Natarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the documents registered vide Doc.No.1319 of 2022, dated 22.03.2022 and Doc.No.2312 of 2022, dated 16.05.2022 registered on the file of the 3rd respondent and consequently, to forbear the 3rd respondent from registering any documents presented by the 5th respondent in respect of the land comprised in Survey No.238/1 bearing Plot Nos.38 & 39 situated at



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Thallakulam Village, Madurai North Taluk, Thallakulam Registration District, Madurai District in the light of the circular dated 04.10.2018 by considering the objection plea dated 24.04.2023.

For Petitioner : Mr.C.Senthil Murugan
For R1 to R3 : Mr.M.Siddharthan,
Additional Government Pleader
For R4 : No Appearance
For R5 : Mr.R.Alagia Nambi

ORDER

The petitioner seeks a direction to the respondent 1 to 3 to cancel the documents in Doc.No.1319 of 2022, dated 22.03.2022 and Doc.No.2312 of 2022, dated 16.05.2022 registered on the file of the 3rd respondent and consequently, to forbear the 3rd respondent from registering any documents presented by the 5th respondent in respect of the land comprised in Survey No.238/1 bearing Plot Nos.38 & 39 situated at Thallakulam Village, Madurai North Taluk, Thallakulam Registration District, Madurai District, in the light of the circular dated 04.10.2018 by considering the objection plea dated 24.04.2023.

2.It is the case of the petitioner that the property in question belonged to his mother and she executed a settlement deed in favour of the sons of the petitioner. Aggrieved by the same, the 4th respondent, who is none other than



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the father of the petitioner, filed a suit in O.S.No.739 of 2014, seeking declaration that the property in question was purchased out of his own funds, which was decreed on 16.07.2019. Pursuant to the same, the 4th respondent executed a gift deed in favour of the 5th respondent, who is the brother of the petitioner and thereafter, executed a rectification deed. Therefore, the petitioner made objection plea dated 24.04.2023 to the 1st respondent. Since the same has 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.

05.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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- To
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