



W.P(MD)No.15216 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.15216 of 2023

and

W.M.P.(MD)No.12821 of 2023

Jeyalakshmi

... Petitioner

Vs.

1.The District Registrar,
Palayamkottai Registration District,
Kokkirakulam, Palayamkottai,
Tirunelveli.

2.The Sub Registrar,
Office of the Sub Registrar,
Melapalayam, Tirunelveli District.

3.Ramzan

... 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 enquiry D.No.9547/2022, dated 02.11.2022 registered before the 2nd respondent office and consequently, to endorse the same in the registry of the said office based on the petitioner's representation dated 07.06.2023.

For Petitioner : Mr.T.Selvan

For R1 & R2 : Mr.P.Subbaraj,
Special Government Pleader

For R3 : Mr.A.Abdulkabur



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ORDER

The petitioner seeks a direction to the 1st respondent to enquiry D.No.9547/2022, dated 02.11.2022 registered before the 2nd respondent office and consequently, to endorse the same in the registry of the said office, based on the petitioner's representation dated 07.06.2023.

2.It is the case of the petitioner that she executed a settlement deed in favour of the 3rd respondent on 02.11.2022. The 3rd respondent has given a cheque of her husband for sale consideration. When the same was presented for collection, it was returned as funds insufficient. The petitioner questioned the same, for which, the 3rd respondent admitted the same and promised to pay the cheque amount. However, till date, the 3rd respondent has not paid the amount. Therefore, in this regard, the petitioner made a representation dated 07.06.2023 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, the registering authority has no power to go into all these things, which has to be established in the manner known to law before the



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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 District Registrar,
Palayamkottai Registration District,
Kokkirakulam, Palayamkottai,
Tirunelveli.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Melapalayam, Tirunelveli District.



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N.SATHISH KUMAR, J

Yuva

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