



WP(MD). No.16127 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.16127 of 2023

Subbiah

... Petitioner

Vs

1. The Deputy Inspector General of Registration,
Office of the Registrar ,
Thiurmogoor Road ,Madurai - 625107,
Madurai District.

2. Chinnasamy,
S/o.Vellaiyan, Melatheru Colony ,
Athipatti Village , Usilampatti Taluk,
Madurai District..

3. Ganesan @ Kambathu Ganesan,
S/o.Chinnasamy , Melatheru Colony ,
Athipatti Village , Usilampatti Taluk,
Madurai District..

... 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 consduct an enquiry and cance the forged documents 1360 of 1986 dated 04.08.1986 and 1578 of 2022 dated 10.05.2022 executed



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by the 2nd and 3rd respondents within a time frame as fixed by this Court.

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For Petitioner : Mr.S.Karthikeyan

For Respondents : Mr.P.Subbaraj for R1

No appearance for R2 and R3

ORDER

The writ petition has been filed for a direction to the 1st respondent to conduct an enquiry and cancel the forged documents 1360 of 1986 dated 04.08.1986 and 1578 of 2022 dated 10.05.2022 executed by the 2nd and 3rd respondents within a time frame as fixed by this Court.

2. I have considered the rival submissions and perused the materials available on record.

3. The case of the petitioner is that in the joint family properties, the 2nd respondent created forged sale deed as if the petitioner and his mother and his paternal uncle have executed a sale deed in favour of him and transferred the properties in his name. Not stopping with that, the 2nd respondent has executed a settlement deed in favour of the 3rd respondent vide Doc. No.1578/2022. In order to cancel the same and to invoke



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Section 77 of the Registration Act, the petitioner approached the respondents. Since the same has not been considered, the petitioner is before this Court.

4. 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, the writ petition is dismissed. No costs.

18.09.2024

**RR
TO**

1. The Deputy Inspector General,
Of Registration, Office of the
Registrar , Thiurmogoor Road ,Madurai -
625107, Madurai District.



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N.SATHISH KUMAR,J

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**ORDER
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