



W.P.(MD) No.16246 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.16246 2023

and

W.M.P.(MD)No.13619 of 2023

Dharmambigai

...Petitioner

-vs-

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar (Administration),
Thanjavur District.

3.The Sub-Registrar,
Pudalur,
Thanjavur District.

4.Anthonisamy

5.A.S.Ranjitham

6.V.Kaliyamoorthi

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari, to call for the records relating to the impugned order in Na.Ka.No.865/Aa4/2023 dated 24.05.2023 passed by the second respondent and quash the same.

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For Petitioner : Mr.K.Mahendran
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 : Mr.K.Dinesh
For R5 & R6 : No Appearance

ORDER

Challenge has been made to the order in Na.Ka.No.865/Aa4/2023 dated 24.05.2023 passed by the second respondent cancelling the documents of the petitioner as fraudulent documents.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.It is the contention of the petitioner that the petitioner had purchased subject property by way of a registered sale deed dated 08.08.2022 and mutated the revenue records in her name. She is peaceful possession and enjoyment of the subject property from the date of purchase. While so, the fourth respondent had preferred a complaint before the second respondent to cancel the sale deeds executed by the fifth respondent. Based on the same, the second respondent had

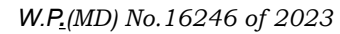


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cancelled the sale deed executed in favour of the petitioner by the fifth respondent by order dated 24.05.2023.

4.It is well settled that the Registering Authority has no power to cancel any document as the very Section 77(A) inserted under Registration Act to cancel the registered document, is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. That apart, the issue of title and the fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court in view of the decisions made in **Satya Pal Anand v. State of M.P.[2016 10 SCC 767]** and **G. Rajasulochana v Inspector General [W.P 29706 of 2024 dated 16.04.2024]**.

5.The order impugned in this writ petition clearly indicate that the second respondent had gone into the issue of title. The allegation with regard to forgery or fraudulent registration cannot be established before the Registering Authority. It has to be established by adducing necessary evidence before the competent civil Court.



02.09.2024

To:

- 1.The Inspector General of Registration,
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N.SATHISH KUMAR, J.

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