



WP(MD). No.16088 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18/09/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.16088 of 2023

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... Petitioner

Vs

1. The District Registrar (Admin),
O/o.The District Registrar Office,
Palani-624 601.

2. The Joint I Sub Registrar,
O/o.The Joint I Sub Registrar Office,
Palani-624 601.

3. The Thashildhar,
Palani, Dindigul District.

4. Vasanthi

5. Balasaraswathi

6. Jeyachitra

7. Harivignesh

8. Veeranan

9. Pandeewari

... Respondents



WP(MD). No.16088 of 2023

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 conduct and expedite the enquiry to cancel the deed No. 514/2020 dated 04.03.2020 and the sale deed No.2491/2021 dated 01.11.2021 on the file of the 2nd Respondent under Section 22B of Registration Act, 1908 as forged documents based upon the petitioners representation dated 29.09.2022, 03.10.2022, 18.11.2022 and 12.06.2023 on day to day basis and dispose the same on merits within the stipulated time limit as fixed by this Court.

For Petitioner : M/s. Mohan. N
For Respondents : Mr.P.Subbaraj for R1 to R3
Special Government Pleader

ORDER

The writ petition has been filed for a mandamus directing the 1st respondent to conduct and expedite the enquiry to cancel the deed No. 514/2020 dated 04.03.2020 and the sale deed No.2491/2021 dated 01.11.2021 on the file of the 2nd respondent under Section 22B of Registration Act, 1908 as forged documents based upon the petitioner's representation dated 29.09.2022, 03.10.2022, 18.11.2022 and 12.06.2023 on day to day basis and dispose the same on merits within the stipulated time limit as fixed by this Court.



WP(MD). No.16088 of 2023

2. The case of the petitioner is that the subject properties are the joint family properties, for which, a suit for partition has been filed by the petitioner and others and the same is pending in OS No.46/2005. While so, the legal heirs of the petitioner's brother along with the 5th respondent has transferred some of the properties by obtaining forged patta and sold the properties to respondents 8 and 9 suppressing the pendency of the suit and by not including the other legal heir. Hence, the petitioner has given repeated representation to cancel the said sale deed and the 4th respondent has also given a representation for the same relief. However, on 17.02.2023 the petitioner again made a representation to invoke section 68(2) and 22B of the Registration Act. Subsequently, the 1st respondent made a communication to the 3rd respondent to find the legal heirs of the petitioner's father. Since no action is forthcoming thereafter, the petitioner is before this Court with this writ petition.

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



WP(MD). No.16088 of 2023

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***. The petitioner has to work out his remedy in the pending civil suit. Accordingly, the writ petition is dismissed. No costs.

18.09.2024

RR

TO

1. The District Registrar (Admin),
O/o.The District Registrar Office,
Palani-624 601.
2. The Joint I Sub Registrar,
O/o.The Joint I Sub Registrar Office,
Palani-624 601.
3. The Thashildhar,
Palani, Dindigul District.



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WP(MD). No.16088 of 2023

N.SATHISH KUMAR,J

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**ORDER
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