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W.P(MD)No.16189 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.16189 of 2023

and

W.M.P.(MD)No.13580 of 2023

R.Renganathan

... Petitioner

Vs.

1.The District Registrar (Administration),
District Registrar Office, Kumbakonam,
Tanjore District.

2.The Sub-Registrar,
Sub-Registrar Office,
Thiruppanandhal,
Tanjore District.

3.K.Rajamanickam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to 1st respondent proceedings made in Pa.Mu.No. 3387/I/2021, dated 05.06.2023, quash the same, and further direct him to conduct a proper enquiry about fraudulent document No.235 of 1993 on the file of the 2nd respondent's office, pass appropriate orders within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar
For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader



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ORDER

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The petitioner has filed this writ petition challenging the order of the first respondent in Pa.Mu.No. 3387/I/2021, dated 05.06.2023 and to direct the first respondent to conduct a proper enquiry about the fraudulent document No. 235 of 1993 on the file of the 2nd respondent's office pass appropriate orders.

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

3.It is the case of the petitioner that the petitioner is the owner of the subject property. However, some third parties had dealt with the same without any right over the said property. Hence, the petitioner filed a petition before the first respondent to conduct enquiry and cancel the said sale deed. The first respondent after conducting enquiry rejected the petitioner filed by the petition directing him to approach the civil Court. Challenging the same, the petitioner has filed this writ petition.

4.Since 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, such fraudulent transaction cannot be



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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. In view of the above settled position of law, unless the power is specifically vested with the registering authority to cancel any document and to go into the matter, there cannot be any direction to the authorities concerned to cancel the document.

6. In view of the above legal position, I do not find any reason to interfere with the order of the first respondent. Accordingly, this Writ Petition is dismissed. It is for the petitioner to work out his remedy before the competent civil Court in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J

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