



WEB COPY



W.P(MD)No.16349 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.16349 of 2023

Raja

... Petitioner

Vs.

- 1.The Inspector General of Registration (IG),
Department of Registration,
No.100, Santhom High Road,
Santhom, Pattinapackam,
Raja Annamalaipuram, Chennai 600 028.
- 2.The Deputy Inspector General of Registration (DIG),
St.Marks Street, Sankar Colony Near,
Palayamkottai, Tirunelveli
- 3.The District Registrar,
Department of District Registrar Office,
Tenkasi, Tenkasi District
- 4.The Sub Registrar,
Department of Registration,
Surandai, Tenkasi District.
- 5.Sermanathan
- 6.Sathya
- 7.Perumathaal
- 8.Seenivasan
- 9.Jayanthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order under Reference Vide Na.Ka.No. 7538/ Aa.2/2023 dated



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29.03.2023 passed by the 3rd respondent and subsequently set aside the same as illegal, erroneous and devoid of merits and consequently direct the 3rd respondent to cancel the fake, illegal and fabricated documents bearing Document Nos.5446 of 2020, 1824 of 2020, 1782 of 2020 and 3820 of 2019 on the file of the Sub Registrar, Surandai Registration Office, Tenkasi District in relation to the property bearing Survey No.108/2 measuring Acre 3, Cents 20 at Kulayaneri Village, Kadayanallur Taluk, Tenkasi District forthwith.

For Petitioner	: Mr.S.Palani Velayutham
For R1 & R2	: Mr.M.Siddharthan Additional Government Pleader
For R5 to R7	: Mr.T.S.Mohammed Mohideen
For R8 & R9	: Mr.S.Sivakumar

ORDER

The petitioner has filed this writ petition challenging the order of the third respondent in Na.Ka.No. 7538/ Aa.2/2023 dated 29.03.2023 and to direct the third respondent to cancel the fake, illegal and fabricated documents with regard to the subject property.

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 subject property is the ancestral property of the petitioner. However, the respondents 5 to 9 by means of fraud had created forged documents and created right over the property.



Hence, the petitioner had given a representation to the third respondent to cancel the said forged documents. However, the third respondent rejected the said representation relegating the petitioner to 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 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 third respondent. Accordingly, this Writ Petition is dismissed. It is for the petitioner to work out his remedy before the



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competent civil Court in the manner known to law. There shall be no order as to costs.

02.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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