



WP(MD). No.16551 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 24/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.16551 of 2023 and
WMP(MD) No.13833 of 2023**

Yesu Patham

... Petitioner

Vs

1. Deputy Inspector General of Registration,
Registration Department, Tirunelveli District,
Tirunelveli..

2. District Registrar,
Registration Department,
Tirunelveli District, Tirunelveli..

3. Poomani,
W/o. Jeevanantham, 8/65, Middle Street,
Perumalkulam, Devanallur Village,
Tirunelveli District..

... 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 records pertaining to the impugned order made by 1st respondent in his proceedings in Na.Ka.No.5057/thabi/2021 dated 09.03.2023 and quash as illegal.



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For Petitioner : M/s.Anbarasu.S.R,
For Respondents : Mr.M.Siddharthan for R1 &R2
Additional Government Pleader
No appearance for R3

ORDER

The writ petition has been filed challenging the impugned order of the 1st respondent dated 09.03.2023, in and by which, on the complaint made by the private respondent to cancel the document registered in the year 2012 on the ground that the document has been fraudulently registered, the document has been cancelled.

2. According to the petitioner, the property belong to him and he is possession and enjoyment of the same. While so, alleging that the property belongs to her husband, the third respondent gave a complaint. Without perusing the documents, the document has been cancelled and on appeal, the same was confirmed.

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



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4. At the outset, the order cannot be sustained in the eye of law for the simple reason that the authorities cannot go into the fraudulent registration and they have no power to go into the title issue. As per the law laid down in ***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*, fraudulent transaction cannot be gone into by the authorities and cancel the document, which has to be established in the manner known to law before the civil Court. Accordingly, the impugned order is quashed and the writ petition is allowed. No costs. Consequently connected Miscellaneous Petition is closed.

24.09.2024

RR

TO

1. Deputy Inspector General of Registration,
Registration Department, Tirunelveli District,
Tirunelveli..

2. District Registrar,
Registration Department,
Tirunelveli District, Tirunelveli..



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N.SATHISH KUMAR,J

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