



W.P(MD).No.16919 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.16919 of 2023

and

W.M.P(MD).No.14151 of 2023

Zobedha

... Petitioner

Vs.,

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.

2.The District Registrar,
Tirunelveli District,
Tirunelveli.

3.The Sub Registrar,
Office of the Sub Registrar,
Radhapuram SRO,
Tirunelveli District.

4.The Inspector of Police,
Central Crime Branch-Madurai,
Madurai City, Madurai.

5.T.Mohammadh Sibakthullah
6.Zuvariya

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to cancel the registered sale deed in Document No.5822 of 2022 dated 26.10.2022 and the registered gift settlement deed in Document No.6515 of 2022 dated 05.12.2022 both on the file of the third respondent's office.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.P.Subbaraj (for R1 to R3)
Special Government Pleader
Mr.M.Vaikkam Karunanithi (for R4)
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to cancel the registered sale deed in Document No.5822 of 2022 dated 26.10.2022 and the registered gift settlement deed in Document No.6515 of 2022 dated 05.12.2022 both on the file of the third respondent's office.

2.At the outset, this Writ Petition is not maintainable, since the registering authority has no power to cancel the document already registered, as 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 the issue



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of title and 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 rendered in the case of **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. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

09.09.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
- 2.The District Registrar,
Tirunelveli District,
Tirunelveli.
- 3.The Sub Registrar,
Office of the Sub Registrar,
Radhapuram SRO,
Tirunelveli District.
- 4.The Inspector of Police,
Central Crime Branch-Madurai,
Madurai City, Madurai.



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N.SATHISH KUMAR,J.

Rmk

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