



W.P.(MD)No.18508 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18508 of 2024
and W.M.P.(MD)No.15724 of 2024

Muneeswari

... Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
2. The District Registrar (Admin),
District Registrar Office,
Ramanathapuram, Ramanathapuram District.
3. The Sub Registrar,
Sub Registrar Office, Kadaladi ,
Ramanathapuram District.
4. Kalimuthu
5. Pandiyammal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 2nd respondent to cancel the fraudulent sale deed of Doc. No.352/1988 and 353/1988, dated



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14.06.1988 registered at the 3rd respondent Sub Registrar Office by the Respondents 4 and 5 with regard to the petitioner's family property of bearing Survey No.134/1 and its present survey No.134/1A and Patta No.1347 an extent of 0.61.50 ares situated at Kadugusanthai Revenue Village, Kadaladi Taluk, Ramanathapuram District.

For Petitioner : Mr. R.Murugappan
For Respondents : Mr.P.Subburaj (R1-R3)
Special Govt. Pleader

ORDER

This Writ Petition has been filed seeking a direction to the directing the 2nd respondent to cancel the fraudulent sale deed of Doc. No.352/1988 and 353/1988, dated 14.06.1988 registered at the 3rd respondent Sub Registrar Office by the Respondents 4 and 5.

2.The petitioner is trying to achieve what she could not achieve before the Civil Court. The petitioner wants to cancel the document, which was executed in the year 1988 on the ground of fraud.

3.This Court is of the view that this writ petition is nothing but an abuse of process of law. To the fundamentals regarding the Transfer of Property Act is not understood by the writ petitioner. The sale deed has been executed in



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the year 1988. According to the petitioner, the document itself is a fraudulent one.

Therefore, she made a representation on 19.05.2023 to cancel the same. The writ petitioner is of the view that the registered document can be cancelled at the stroke of giving representation. But, it is not so by ignoring all the settled position of law and substantive law governing the transaction.

4. Even assuming that the sale deed is a fraudulent one and if any document executed by fraud is not *void ab initio*, it is only voidable. The same has to be challenged within a period of three years from the date of its execution.

5. More over, it is not the case of the petitioner that she has executed the alleged document. The said document has been executed by the third parties. In such case, the plea of fraud cannot be made by the petitioner. If the petitioner has right over the property, the remedy of the petitioner lies elsewhere, not before the Sub Registrar / District Registrar.



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6.In view of the above observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To

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3. The Sub Registrar,
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N.SATHISH KUMAR, J.

PNM

ORDER IN

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