



WP(MD). No.20629 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 30/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.20629 of 2024

P.Marimuthu

... Petitioner

Vs

1. The Inspector General of Registration,
IG of Registration Office,
Santhome Road,
Santhome,
Chennai - 28..

2. The District Registrar,
District Registration Office,
Thoothukudi,
Thoothukudi District..

3. The Sub Register,
Sub Registration Office,
Thiruchendur,
Thoothukudi District..

4. Chitrivel,

5. V.Sivagurunathan,.

... Respondents



WP(MD). No.20629 of 2024

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to cancel the forged sale deeds dated 08.04.1992, 09.08.1995 vide document No.385/1992, 778/1995, registered before 3rd respondent and to consider the petitioner's representation dated 29.07.2024.

For Petitioner : M/s. R.M.Suresh,
For Respondents : Mr.C.Satheesh for R1 to R3
Government Advocate

ORDER

The writ petition has been filed for a direction to the 3rd respondent to cancel the forged sale deeds dated 08.04.1992 and 09.08.1995 vide document Nos.385/1992 and 778/1995, registered before 3rd respondent and to consider the petitioner's representation dated 29.07.2024.

2. By consent, the writ petition itself is taken up for final disposal at the stage of admission itself. Since no adverse order is going to be passed against the 4th and 5th respondents, notice to R4 and R5 is dispensed with.

3. It is the case of the petitioner that the subject property is his ancestral property and is in possession and enjoyment of the same.



WP(MD). No.20629 of 2024

However, in his absence, forged sale deed has been created in the name of his mother and the same has been registered vide document No. 385/1992 on 08.04.1992 in favour of the 4th respondent and on 09.08.1995, the 4th respondent has executed a sale deed in favour of the 5th respondent. Hence, in order to cancel the same, the petitioner has given a representation to the respondents 1 to 3. Since the same has not been considered so far, the petitioner is before this Court.

4. At the outset, the writ petition itself is not maintainable. The Registration authority has no power to cancel such document in view of Section 77-A of the Registration Act having been struck down by this Court in W.P.No.10291 of 2022 and Batch cases, dated 02.08.2024. That apart fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court as per *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.



WP(MD). No.20629 of 2024

5. Accordingly, the Writ Petition is dismissed. It is for the petitioner to work out his remedy before the civil Court. No costs.

30.08.2024

RR

TO

1. The Inspector General of Registration,
IG of Registration Office,
Santhome Road,
Santhome, Chennai - 28..
2. The District Register,
District Registration Office,
Thoothukudi, Thoothukudi District..
3. The Sub Register,
Sub Registration Office,
Thiruchendur,
Thoothukudi District..



WEB COPY



WP(MD). No.20629 of 2024

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.20629 of 2024**

Date : 30/08/2024