



W.P(MD)No.20542 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20542 of 2022

and

W.M.P.(MD)No.14878 of 2022

V.Subramaniyan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram, Chennai 600 028.
- 2.The District Registrar,
Registration Department,
Combined Registration Office,
Y.Othakadai, Madurai 625 107.
- 3.The Tahsildar,
Madurai North Taluk Office,
Madurai District.
- 4.The Sub-Registrar,
O/o. the Sub-Registrar,
Y.Othakadai, Madurai- 625 107.
- 5.The Inspector of Police,
Land Grapping Cell,
O/o.The Superintendent of Police,
Surveyor Colony, Madurai 625 007.
- 6.A.Shahul Hameed
- 7.M.Seeni Mohamed



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8.J.Noordheen
9.Ayesha Banu

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 4 to consider the petitioner representation dated 18.10.2021 and to conduct an enquiry under Section 77-A of Tamil Nadu Registration Act and to cancel the deeds which was illegally registered by the Respondents 6 to 9 in respect of Nanjai land comprised in Survey No. 17/5 and in S.No. 18/5 in Poonari Village, Madurai North Taluk, Madurai District.

For Petitioner	: Mr.M.Saravanakumar
For R1 to R5	: Mr.P.Subbaraj Special Government Pleader
For R6	: Mr.S.Rajasekar

ORDER

The petitioner seeks a direction to the respondents 1 and 4 to consider the petitioner's representation dated 18.10.2021 and to conduct an enquiry under Section 77-A of Tamil Nadu Registration Act and to cancel the deeds, which were illegally registered by the Respondents 6 to 9 in respect of Nanjai land comprised in Survey No. 17/5 and in S.No. 18/5 in Poonari Village, Madurai North Taluk, Madurai District.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.



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3.It is the case of the petitioner that the petitioner is the cultivating tenant of the property in S.No.17/5 at Poonari Village, Madurai North, Madurai.

The sixth and seventh respondents herein had attempted to vacate the petitioner from the subject property by virtue of the bogus power deed. Hence, the petitioner made a representation dated 18.10.2021 to conduct enquiry and to cancel the forged documents. Since the same has not been considered so far, the petitioner has filed this Writ Petition.

4.It is seen that 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 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*. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2024

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