



WP(MD). No.18398 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 18/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.18398 of 2023

Ramalingam.M

... Petitioner

Vs

1. The Inspector General of Registration,
Santhome High Road,
Mylapore,
Chennai 600 028.

2. The District Registrar (Administration),
District Registrar Office,
Pudukkottai District.

3. The Joint Sub Registrar,
Joint Sub Registrar Office,
Pudukkottai District.

4. Bhuvanesvari,
W/o Arumugam,
No.164, Esvarankovil Street,
Thiruvappur,
Pudukkottai District.



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5. Amutha,
D/o Arumugam,
No.164, Esvarankovil Street,
Thiruvappur,
Pudukkottai District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus direct the respondent No.2 to cancel the forged gift deed Doc.No.174/2021 dated 12.01.2021 at joint SRO, Pudukkottai as illegal and void and consequently consider the petitioners representation dated 20.03.2023 with a time frame fixed by this Court.

For Petitioner : Mr.S. Mohammad Kasim,
For Respondent : Mr.P.Subbaraj for R1 to R3
Special Government Pleader
Mr.J.Barathan for R4 & R5

ORDER

The writ petition has been filed for a mandamus to direct the respondent No.2 to cancel the forged gift deed Doc.No.174/2021 dated 12.01.2021 at joint SRO, Pudukkottai as illegal and void and consequently consider the petitioners representation dated 20.03.2023 with a time frame fixed by this Court.



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2. The case of the petitioner is that on the vacant land allotted to the petitioner by the Government, when the petitioner intended to make a construction, it came to light that the respondents 4 and 5 have colluded each other and registered the land fraudulently in their name. Hence, in order to cancel the same, the petitioner sent a representation on 20.03.2023 to the respondent No.2. Since the same has not been considered so far, the petitioner is before this Court.

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

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, the writ petition is



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dismissed. No costs.

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18.09.2024

RR

TO

1. The Inspector General of Registration,
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N.SATHISH KUMAR,J

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**ORDER
IN
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Date : 18/09/2024