



W.P.(MD)No.21429 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21429 of 2022
and W.M.P.(MD)Nos.15577 & 15579 of 2022

G.Arunachalam

... Petitioner

Vs.

- 1.The Deputy Inspector General of Registration,
Department of Registration,
Tirunelveli Region,
Tirunelveli,
Tirunelveli District.
- 2.The Direct Registrar,
Office of the District Registrar,
Tenkasi District,
Tenkasi.
- 3.The Sub Registrar,
Office of the Sub Registrar,
Kadayam,
Tenkasi District.
- 4.The Sub Registrar,
Office of the Sub Registrar Office,
Alangulam, Tenkasi District.
- 5.Thasin Hammed



W.P.(MD)No.21429 of 2022

6.M/s.PACL Limited India,
No.22, 3rd Floor, Amber Tower,
Sansur Chand Road,
Jaipur – 302 004 (Rajasthan)

7.Muthukumar

8.Sundaram

9.Syed Ibrahim

10.Mohammed Ismail

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the forged, fabricated and fake sale deeds bearing Document Nos.6742 of 1995, 1761 of 1998, 2181 of 2019 and 4232 of 2019 on the file of the respondent Nos.3 and 4 in respect of the petitioner's properties bearing Survey Nos.548/1 and 549/3 situated at Poolangulam Village, Alangulam Taluk, Tenkasi District and quash the same as illegal, erroneous and unsustainable in law and consequently direct the respondent Nos.5 to 10 not to claim any right over the property by means of said false, fake and fabricated sale deeds in relation to the said property forthwith.

For Petitioner	: Mr.S.Palani Velayutham
For Respondents	: Mr.P.Subbaraj, Spl. Govt. Pleader for R1 to R4 No Appearance for R5, R9 & R10



W.P.(MD)No.21429 of 2022

ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the forged, fabricated and fake sale deeds bearing Document Nos.6742 of 1995, 1761 of 1998, 2181 of 2019 and 4232 of 2019 on the file of the respondent Nos.3 and 4 in respect of the petitioner's properties bearing Survey Nos.548/1 and 549/3 situated at Poolangulam Village, Alangulam Taluk, Tenkasi District and quash the same as illegal, erroneous and unsustainable in law and consequently direct the respondent Nos.5 to 10 not to claim any right over the property by means of said false, fake and fabricated sale deeds in relation to the said property forthwith.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.

3. It is the case of the writ petitioner that originally, the subject property is in the name of the petitioner and he is in possession and enjoyment of the property. He has not executed any power of attorney in respect of the subject property. Even now, the possession is in favour of the petitioner, but encumbrance



W.P.(MD)No.21429 of 2022

have been created in respect of the subject property by false, fake and fabricated documents by various land grabbers in their favour viz., respondents 5 to 10. In this regard, the petitioner has given a representation to the authorities concerned on 17.08.2022 for canceling the fake, false and fabricated documents. Since the same was not considered, 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 vs. State of Madhya Pradesh and others*** reported in (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 dismissed. It is for the petitioner to file a necessary suit before the competent civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

04.09.2024

NCC : Yes/No
Index : Yes/No

vsm

4/6



W.P.(MD)No.21429 of 2022

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W.P.(MD)No.21429 of 2022

N.SATHISH KUMAR, J.

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W.P.(MD)No.21429 of 2022

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