



W.P(MD)No.19344 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

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CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.19344 of 2023

and

W.M.P.(MD)No.16007 of 2023

N.Kamuthurai

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Integrated Building of Registration Department,
TNAV Nagar, Rajakambeeram,
Y.Othakkadai, Madurai 625 107

2.The District Registrar (Administration),
Madurai Road, Periyakulam,
Periyakulam Taluk, Theni District.

3.The Sub Registrar,
Sub Registrar Office,
Chinnamanur, Uthamapalayam Taluk,
Theni District.

4.V.Alagu Srinivasan
5.T.Shanmugamuthu
6.N.Solaimalai Manohar
7.Sangiliraja

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records of the impugned order in Na.Ka.No.4033/A4/2022 dated 12.07.2023 passed by the 1st respondent herein and quash the same as illegal.

For Petitioner : Mr.K.Sapar Badhusha
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader



W.P(MD)No.19344 of 2022

ORDER

The petitioner has filed this writ petition challenging the order of the first respondent in Na.Ka.No.4033/A4/2022 dated 12.07.2023 rejection the contention of the petitioner to cancel the trust deed registered in the year 2009.

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

3.It is the case of the petitioner that the subject property belongs to the petitioner's temple, which was established by his ancestors. However, the fourth respondent without adhering to the ancestral procedure had created a trust and registered the subject property as trust property. Hence, the petitioner has made an application to cancel the said trust deed dated 17.06.2019 before the second respondent. The second respondent had rejected the same. Aggrieved over the said order, the petitioner has filed an appeal before the first respondent. The appeal was also dismissed by the first respondent directing the petitioner to approach the civil Court to work out his remedy. Challenging the same, the petitioner has filed this writ petition.

4.Since the very Section 77(A) inserted under Registration Act to cancel the registered document, is struck down by the Division Bench of this



W.P(MD)No.19344 of 2022

Court in W.P.No.10291 of 2022 batch, such fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court in view of the decisions made in ***Satya Pal Anand v. State of M.P.[2016 10 SCC 767]*** and ***G. Rajasulochana v Inspector General [W.P 29706 of 2024 dated 16.04.2024]***.

5.In view of the above settled position of law, unless the power is specifically vested with the registering authority to cancel any document and to go into the matter, there cannot be any direction to the authorities concerned to cancel the document.

6. In view of the above legal position, I do not find any reason to interfere with the order impugned in this writ petition. Accordingly, this Writ Petition is dismissed. It is for the petitioner to work out his remedy before the competent civil Court in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J

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