



WP(MD). No.19102 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.19102 of 2023

Arabiya Banu

... Petitioner

Vs

1. The Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram, Chennai - 28..

2. The District Registrar,
O/o. the District Registrar Office,
Ramanathapuram District,
Ramanathapuram..

3. The Sub Registrar,
O/o. Sro Velipatinam,
Ramanathapuram..

... Respondents

PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direction to the 2nd respondent to consider the representation of the petitioner dated 25.07.2022 within a time frame to be fixed by this Court.

For Petitioner : M/s. Sudarkodinachiar .P,

For Respondents : Mr.M.Siddharthan

Additional Government Pleader



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ORDER

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The writ petition has been filed for a mandamus to direct the 2nd respondent to consider the representation of the petitioner dated 25.07.2022 within a time frame to be fixed by this Court.

2. The case of the petitioner is that the subject property is owned by the father of the petitioner. After his demise, as legal heirs, the properties were devolved on the petitioner and other legal heirs. When the petitioner and others checked the encumbrance certificate, it came to light that for the said survey No.193/6D, sale deed has taken place and the same was registered in Doc.No.2934/2021 on the file of the 3rd respondent by one Kuppaikani, Syed and Karthick, who are no way related to the properties. In order to cancel such registration, the petitioner has sent a representation to the respondents. 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.



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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 dismissed. No costs.

18.09.2024

RR

TO

1. The Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 28..

2. The District Registrar,
O/o. the District Registrar Office,
Ramanathapuram District,Ramanathapuram..

3. The Sub Registrar,
O/o. Sro Velipatinam,
Ramanathapuram..

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N.SATHISH KUMAR,J

RR

**ORDER
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