WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19824 of 2023
and
W.M.P.(MD)No.16348 of 2023

P.Ravi ... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Registration Department,
Regional Registration Office,
Trichirappalli.

2.The District Registrar,
Registration Department,
Karur District.

3.The Sub Registrar,
Melakarur, Karur District.

4.C.Rengasamy ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.3527/Ee/E1/2022, dated 23.06.2023 and quash the same as illegal.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner : Mr.A.Robinson

For R1 to R3 : Mr.P.Subbaraj,
Special Government Pleader

ORDER

Challenge has been made to the order of the 1st respondent, dated 23.06.2023, directing the parties to approach the civil Court.

2.It is the case of the petitioner that the property in Survey No.590/1, 2 to an extent of 2.11 ½ acre, situated at Thanthoni Village, Karur District belonged to the petitioner's ancestors. In respect of the said property, the petitioner, his brother and mother have executed a sale deed in favour of his wife and his brother's wife vide Doc.No.7376/2008. However, one Anbalagan, without having any right over the property in question, executed a registered sale deed dated 22.09.2009 in favour of the 4th respondent. Therefore, the petitioner made a representation dated 14.09.2021 to the 2nd respondent, seeking cancellation of the said forged sale deed executed in favour of the 4th respondent, in which the 2nd respondent, having conducted enquiry, has passed an order dated 30.05.2022, holding that the said sale deed dated 22.09.2009 is fraudulent one. However, on appeal, the 1st respondent, vide order dated 23.06.2023, set aside the order of the 2nd respondent and directed the parties to

https://www.mhc.tn.gov.in/judis

WEB COPY

approach the trial Court, as there is a title dispute between the parties and the suit in O.S.No.52 of 2018 is also pending. Challenging, the same the petitioner has filed this Writ Petition.

3.It is the contention of the learned counsel for the petitioner that the suit filed by the 4th respondent in O.S.No.52 of 2018 is dismissed on 21.07.2023. Therefore, the order of the 1st respondent has to be set aside.

4.At the outset, the order passed by the 1st respondent does not require any interference for the simple reason that the Registering Authority has no power to cancel any registered document. Further, 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.*

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

https://www.mhc.tn.gov.in/judis

WEB COPY

go into the matter, there cannot be any direction to the authorities concerned to cancel the document. All these facts cannot be looked into by this Court and the same has to be agitated before the civil Court.

6.With the above observations, this Writ Petition is dismissed. It is made clear that if it is the contention of the petitioner that the decree and judgment is in his favour, the same can be registered before the concerned authority, if it is not appealed and that will take care of the petitioner's right. No costs. Consequently, connected miscellaneous petition is closed.

30.09.2024

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

Yuva

To

1.The Deputy Inspector General of Registration,
Registration Department,
Regional Registration Office,
Trichirappalli.

https://www.mhc.tn.gov.in/judis

WEB COPY

2.The District Registrar,
Registration Department,
Karur District.

3.The Sub Registrar,
Melakarur, Karur District.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.SATHISH KUMAR, J.

Yuva

W.P(MD)No.19824 of 2023

30.09.2024