



W.P(MD)No.20296 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20296 of 2023

and

W.M.P.(MD)No.16738 of 2023

A.Anurathasumathi

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Theni District Collectorate Campus, Unit II,
Theni.

2.The Sub Registrar,
Office of the Sub Registrar,
Theni, Theni District.

3.Easwari

4.Premkumar

5.Pandiarajan

6.Chelliah

7.Gnanasekaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent herein to register the decree dated 24.03.2016 passed by the Sub Court, Theni in O.S.No.40 of 2010 and consequently, cancel the fraudulent documents

1.Registered settlement deed dated 06.02.2003 executed by late Iruliyammal in favour of late M.Subbulakshmi vide Doc.No.488/2003.



W.P(MD)No.20296 of 2023

2.Registered sale deed dated 29.10.2003 vide Doc.No.4243 of 2003 by M.Subbulakshmi in favour of Chelliah, 5th respondent herein.

3.Registered settlement deed dated 07.09.2006 vide Doc.No.5422/2003 executed by Chelliah in favour of his son Gnanasekaran, 6th respondent herein.

4.Registered partition deed dated 16.05.2023 vide Doc.No.4649/2023 among Easwari, S.Premkumar & S.Pandiarajan, respondents 3 to 5 herein as per the representation of the petitioner dated 19.06.2023.

For Petitioner : Mr.K.Appadurai
For R1 & R2 : Mr.C.Satheesh,
Government Advocate
For R3 to R5 : Mr.G.Rajendran

ORDER

The petitioner seeks a direction to the 1st respondent to register the decree dated 24.03.2016 passed by the Sub Court, Theni in O.S.No.40 of 2010 and consequently, to cancel the fraudulent documents executed between the private respondents.

2.Heard both sides and perused the materials available on record carefully.

3.As far as the registration of the decree is concerned, when the law permits decree to be registered, it is for the petitioner to present the decree for



W.P(MD)No.20296 of 2023

registration. On such presentation, the registering authority shall register the same as per law. However, with regard to the cancellation of the fraudulent documents, the registering authority has no power to cancel the document already registered, as 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 the issue of title and 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 rendered in the case of ***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, this Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1.The District Registrar,
Office of the District Registrar,
Theni District Collectorate Campus, Unit II,
Theni.

2.The Sub Registrar,
Office of the Sub Registrar,
Theni, Theni District.



WEB COPY



W.P(MD)No.20296 of 2023

N.SATHISH KUMAR, J

Yuva

W.P(MD)No.20296 of 2023

19.09.2024