



W.P(MD)No.21705 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.21705 of 2024
and
W.M.P(MD)No.18332 of 2024

D.Ramachandran

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The Deputy Inspector General Of Registration,
Registration Department,
Vandikara Street,
Ramanathapuram.
- 3.The District Registrar (Admn.),
District Registrar Office,
Virudhunagar,
Virudhunagar District.
- 4.The Sub-Registrar,
Sub-Registrar Office,
Pandhalkudi,
Virudhunagar District.
- 5.L.Arumugasamy
- 6.S.Murugan



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7.Green Fens Promoters,
15, Ramasamy Pillai Street,
Bodinaiyakkanur Town,
Bodi, Theni District.

8.M.R.Chandira

9.R.V.I.Ram

10.Podar Bio-Diesel Private Limited,
B-309, Trade World,
Kamala Mills Compound,
Senapthi Bapet Marg,
Lower Parel,
Mumbai – 400 013,
Maharashtra.

11.Surendra Sanjeevi Reddy

12.K.Ramachandran

13.A.C.Bose

14.Kabothkumarnath

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing 2nd respondent to declare the documents as fraudulent sale deeds, in documents No.1401/2007, 1402/2007 15.06.2007, Doc. No.1647/2007, 1648/2007 and No.1649/2007 dated 10.07.2007 pertaining to the petitioner's family properties and the consequential sale deeds No.2320/2007, 2322/2007, 2323/2007 and 2325/2007 dated 17.09.2007 and also Doc. No.698/2008 dated 21.04.2008 and subsequently direct the 3rd respondent to record the same in Encumbrance Register.



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For Petitioner : Mr.R.Murugan
For R1 to R4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the respondents 1 to 4. Considering the nature of order proposed to be passed in this writ petition, notice to the respondents 5 to 14 is dispensed with.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.This Writ Petition has been filed, seeking for a direction to the directing 2nd respondent to declare the documents as fraudulent sale deeds, in documents No.1401/2007, 1402/2007 15.06.2007, Doc. No.1647/2007, 1648/2007 and No.1649/2007 dated 10.07.2007 pertaining to the petitioner's family properties and the consequential sale deeds No.2320/2007, 2322/2007, 2323/2007 and 2325/2007 dated 17.09.2007 and also Doc. No.698/2008 dated 21.04.2008 and subsequently direct the 3rd respondent to record the same in Encumbrance Register.



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4. At the outset, this Writ Petition is not maintainable, since 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 dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2024

NCC : Yes / No
Index : Yes / No

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N.SATHISH KUMAR, J

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