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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.22894 of 2024
and
W.M.P.(MD)No.19424 of 2024

R.Jayamurugan ... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road, Chennai-600 004.

2.The District Registrar,
Registrar Office, 171, Palace Road,
Madurai South, Madurai-625 001.

3.The Joint Sub Registrar,
Madurai South Joint 4 Sub Registrar Office,
VMR Complex, Vasantha Nagar,
Palanganatham, Madurai.

4.R.Veerasamy ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent made in Na.Ka.No.10743/Aa2/2023, dated 24.11.2023 and quash the same as illegal, arbitrary and consequently, directing the respondents 1 to 3 to cancel the unilateral cancellation of gift deed in Document No.11932/2010, dated 05.10.2010 executed by the 4th respondent.

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For Petitioner : Mr.N.Kamesh
For R1 to R3 : Mr.C.Satheesh,
Government Advocate

ORDER

Challenge has been made to the order passed by the 2nd respondent dated 24.11.2023, under which the request of the petitioner to cancel the unilateral cancellation of gift deed dated 05.10.2010 has been rejected, citing the pendency of the Writ Petitions before the Larger Bench of this Court, which were filed challenging Section 77(A) of the Registration Act. Further direction is also sought for in this Writ Petition to cancel the said unilateral cancellation of the gift deed.

2.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*

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W.P 29706 of 2024 dated 16.04.2024. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.09.2024

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

Yuva

To

1.The Inspector General of Registration,
Santhome High Road, Chennai-600 004.

2.The District Registrar,
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