



W.P.(MD)No.24233 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24233 of 2024

E.Sethuraman Asari

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Manthavelipakkam, Raja Annamalaipuram,
Chennai-600 028.

2.The District Collector,
District Collector Office,
Madurai.

3.The District Registrar,
District Registrar Office,
171-Palace Road, Madurai.

4.The Sub Registrar,
Office of the Registrar,
Sikandar Chavadi, Podumbu Post,
Madurai.

... 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 to cancel the gift deed in 939/2018, dated 28.02.2018 within a time frame as may be fixed by this Court.



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For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.P.Subbaraj,

Special Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Mr.P.Subbaraj, learned Special Government Pleader takes notice for the respondents.

3.The petitioner seeks a direction to the 1st respondent to cancel the gift deed in 939/2018, dated 28.02.2018, which is executed by him in favour of his wife.

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



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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.

16.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

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N.SATHISH KUMAR, J.

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