



WP(MD). No.23357 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 05/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.23357 of 2023
and WMP(MD) No.19544 of 2023**

1. Suriya Praba .S,

2. Senthilkumar S

... Petitioners

Vs

1. The District Registrar,
Dindigul Registration District,
Dindigul..

2. The Sub Registrar,
Sub Registrars Office,
Batlagundu,
Dindigul..

3. T.S.P.S.Shanmugasundram,
S/o.T.S.P.Sannasi Chettiyar,
No.3-3-29, Alagar Kovil Street,
Ooralpatti,
Pannaikadu Village,
Kodaikanal Taluk,
Dindigul District..



WP(MD). No.23357 of 2023

4. Rajendrakumar S,
S/o.T.S.P.S.Shanmugasundramno.3-4-29a,
Alagar Kovil Street,
Ooralpatti,
Pannaikadu Village,
Kodaikanal Taluk,
Dindigul District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice bearing No. O.Mu. 2692/Aa3/2023 dated 31.07.2023 on the file of the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to cancel the settlement deeds vide Document Nos.1020/2023 and 1022/2023 dated 06.03.2023 on the file of the Batlagundu Sub Registrar Office, Dindigul District by invoking section 77-A of the Registration Act, 1908 introduced by the Registration (Tamil Nadu Second Amendment) Act, 2021 within a time stipulated by this Court.

For Petitioner : Mr.I.Sam Jegan,
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The writ petition has been filed challenging the impugned order of the 1st respondent dated 31.07.2023, in and by which, the representation



WP(MD). No.23357 of 2023

of the petitioners for cancelling the settlement deeds executed by the third respondent in favour of the 4th respondent was rejected. Challenging the same, the petitioners are before this Court.

2. The case of the petitioners is that the 3rd respondent is the father of the petitioners and the 4th respondent is the step brother of the petitioners, ie., the son born to the 2nd wife of their father. The subject properties are the ancestral properties of the petitioners and the 3rd respondent. While so, suppressing that the petitioners are the legal heirs of the 3rd respondent and his first wife, a settlement deed has been executed in favour of the 4th respondent. In order to cancel the same, the petitioners sent a representation, which was rejected by the 1st respondent and hence, this writ petition.

3. I have considered the rival submissions and perused the materials available on record.

4. At the outset, this Court is of the view that the relief sought for by the petitioner cannot be maintained. In **G. Rajasulochana v**



WP(MD). No.23357 of 2023

Inspector General made in W.P 29706 of 2024 dated 16.04.2024, this Court has elaborately dealt with the issue of fraudulent registration. That apart, Section 77A introduced under the Registration Act also struck down by the Division Bench of this Court. Hence, the registering authority has no power to cancel any fraudulent transaction. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

05.09.2024

RR

TO

1. The District Registrar,
Dindigul Registration District,
Dindigul..

2. The Sub Registrar,
Sub Registrars Office,
Batlagundu,
Dindigul..



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WP(MD). No.23357 of 2023

N.SATHISH KUMAR,J

RR

**ORDER
IN
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Date : 05/09/2024