



WP(MD). No.23803 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.23803 of 2023
and WMP(MD No.19980 of 2023**

Lakshmi

... Petitioner

Vs

1. The District Registrar,
District Registration Office,
Pudukkottai.

2. Kalyani,
W/o.Adaikalam,
Mankottai Village and Post,
Karamabakudi Taluk,
Pudukkottai 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 issued by the 1st respondent in Na.Ka.No.4027/A2/2023 dated 12.09.2023 and quash the same and consequently direct the 1st respondent to reject the application dated 08.08.2023 given by the 2nd respondent.



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For Petitioner : Mr.M. Ramu,
For Respondent : Mr.M.Siddharthan for R1
Additional Government Pleader
Mr.D.Rameshkumar for R2

ORDER

The writ petition has been filed challenging the impugned notice of the 1st respondent dated 12.09.2023 and consequently direct the 1st respondent to reject the application dated 08.08.2023 given by the 2nd respondent.

2. It is the case of the petitioner that the property in question is the ancestral property of the petitioner herein. She has executed a gift deed in favour of her husband vide gift deed dated 23.12.2016. While so, the 2nd respondent has given an application to the 1st respondent stating that the gift deed is a fraudulent one. Pursuant to the same, the 1st respondent has also issued notice to the petitioner calling her to appear on 09.10.2023. Challenging the same, the petitioner is before this Court.



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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 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 go into any fraudulent transaction. Accordingly, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

05.09.2024

RR

TO

1. The District Registrar,
District Registration Office, Pudukkottai.



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N.SATHISH KUMAR,J

RR

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