



WP(MD). No.24142 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24142 of 2023
and WMP(MD) No.20299 of 2023

Sankaradhasan M

... Petitioner

Vs

**1. The District Registrar (Admin),
Karur,Karur District..**

**2. The Sub Registrar,
Tharakampatti,Karur Disrict..**

**3. Kittu,,
S/o. Arumugam, No. 3/29, Tharakampatti Village,
Kadavur Taluk, Karur District.**

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, by calling for the records relating to the proceedings of the 1st respondent made in Na.Ka.No. 1145/Aa3/2023 dated 19.09.2023 and quash the same.

For Petitioner : Mr.R.Murali,
For Respondents : Mr.C.Satheesh for R1 & R2
Government Advocate
Mr.A.Thiagarajan for R3



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ORDER

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The writ petition has been filed challenging the order of the 1st respondent in Na.Ka.No. 1145/Aa3/2023 dated 19.09.2023.

2. It is the case of the petitioner that the petitioner purchased the property from one Anjalam through a registered sale deed on 03.07.2012 in Doc.No.1442/2012 and from the date of sale, the petitioner is in possession and enjoyment. The said land is a Government Anaatheenam land, which has been sold by the vendor of the petitioner after obtaining necessary no objection certificate from the concerned Tahsildar. However, the third respondent has given a complaint to the 1st respondent to cancel the sale deed, which was executed in favour of the petitioner on the ground that the third respondent's father has purchased the said property and he is in possession. Pursuant to the said complaint, the 1st respondent has passed the impugned order, wherein, cancellation of the sale deed has been ordered. Challenging the same, the petitioner is before this Court.

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



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4. It is pertinent to note that after sale of the property in the year 2012, a complaint has been given by the 3rd respondent on 28.02.2023. The complaint itself indicated that the factual aspect has to be established in the manner known to law. Therefore, the impugned order invoking Section 77A of the Registration Act is per se illegal.

5. It is seen that 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 fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court as per ***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, the impugned order is quashed and the writ petition is allowed. No costs. Consequently connected Miscellaneous Petition is closed.

05.09.2024

RR



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N.SATHISH KUMAR,J

RR

**ORDER
IN
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