



WP(MD). No.24250 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24250 of 2023

Kanagasabapathy

... Petitioner

Vs

1. The Inspector General of Registration,
Registration Department, 100, Santhom High Road,
Mullimanagar, Manthavelipakkam,
Raja Annamalaipuram,
Chennai 600 028.

2. The District Registrar,
District Registrar Office,
Polpettai, Muthammal Colony,
Thoothukudi.

3. The Sub Registrar,
Sub Registrar Office,
Udangudi, Thoothukudi District.

4. Seemaskhan

5. Yusuf Samsudeen

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents 1 to 3 to cancel the sale deed executed in favour of the 4th



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and 5th respondents in Doc.No. 1204/2023 in Survey no. 75/2A2 with an extent of 6 cents situated at Kulankudiruppu Village, Tiruchendur Taluk, Thoothukudi District based on the petitioners representation dated 18.05.2023.

For Petitioner : Mr.S.Muniyandi,
For Respondent : Mr.M.Siddharthan for R1 to R3
Additional Government Pleader
Mr.M.U.Mohammed Aslam for R4&R5

ORDER

The writ petition has been filed for a mandamus directing the respondents 1 to 3 to cancel the sale deed executed in favour of the 4th and 5th respondents in Doc.No. 1204/2023 in Survey no. 75/2A2 with an extent of 6 cents situated at Kulankudiruppu Village, Tiruchendur Taluk, Thoothukudi District based on the petitioner's representation dated 18.05.2023.

2. It is the case of the petitioner that the subject property is the ancestral property of the petitioner, wherein, the respondents 1 to 3 have given patta wrongly to 35 cents instead of 26 cents to one Aathimuthu Nadar, pursuant to which, by using the same, the legal heirs of Aathimuthu Nadar sold the property belong to the petitioner's family, which was subsequently executed in favour of the respondents 4 and 5

2/5



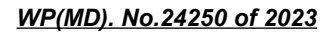
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and on the premise that the documents have been executed fraudulently, the petitioner has approached the 1st respondent by way of representation. Since the same has not been considered, the petitioner is before this Court.

3. 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*. The petitioner is at liberty to work out his remedy before the competent civil court. Accordingly, the writ petition is dismissed. No costs.

19.09.2024

RR



1. The Inspector General of Registration,
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100, Santhom High Road,
Mullimanagar,
Manthaivelipakkam,
Raja Annamalaipuram,
Chennai 600 028.

2. The District Registrar,
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