



WP(MD). No.24434 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.24434 of 2023
and WMP(MD) No.20623 of 2023**

Rajasekaran V

... Petitioner

Vs

1. The District Registrar,
Madurai North, Integrated Complex of
Registration Department,
Tnau Nagar, Rajakampeeram,
Y.Othakadai, Madurai 625 107.

2. The Sub Registrar,
Thamaraipatti Sub Registrar Office,
Trichy Main Road,
Chittampatti, Madurai District..

3. The Sub Registrar,
Melur Sub Registrar Office,
46, Sivan Kovil Street,
Melur, Madurai District..

4. Francis Bastin,
S/o. Francis Irudhayaraj,
A-6, Ground Floor,
Jeni Plaza, No. 5,
Bharathiyar Road,
Tiruchirappalli..

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order of the 1st respondent in No. 7748/A3/2022 dated 06.04.2023 and quash the same as illegal.

For Petitioner : Mr.M.Kannan,

For Respondents : Mr.M.Siddharthan for R1 to R3
Additional Government Pleader
Mr.B.Prasanna Vinoth for R4

ORDER

Challenge has been made to the order of the 1st respondent dated 06.04.2023.

2. The case of the petitioner is that the subject property is the ancestral property of his wife, wherein, his wife, himself along with his wife's grandfather are residing. While so, after the demise of his wife's grandfather, the 4th respondent stated to have purchased the subject property from one Jesuraj @ Anbarasan, had obtained illegal patta and obtained sale deed. He has also filed a suit in OS No.221/2016 and OS No.3/2017 filed, wherein, the petitioner and his wife were added as parties. Now, on verification of encumbrance certificate, the petitioner's



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came to know about the impugned order of the 1st respondent, under which, the settlement deed has been cancelled. Challenging which, the petitioner is before this Court.

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

4. It is seen that on the complaint given by the 4th respondent, the settlement deed said to have been registered has been cancelled, without giving opportunity to the petitioner and his wife. 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



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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

NCC : Yes/No

Index : Yes/No

RR

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N.SATHISH KUMAR,J

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