



WP(MD). No.24696 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.24696 of 2023
and WMP(MD) No.20876 of 2023**

Dennis.T

... Petitioner

Vs

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai-600028..

2. The District Registrar (Administration),
Kanyakumari District,
Marthandam..

3. The Sub Registrar,
Office of the Sub Registrar,
Munjirai,
Kanyakumari District..

4. Paul Mony.T,
S/o. P.Thomson,
Elavuvilai,
Elavuvilai Post,
Kanyakumari
District-629171..



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5. Princy.D,
D/o. T.Dennis,
Vadakarai Veedu,
Elavuvilai Post,
Kanyakumari
District-629171..

6. Raju.M,
S/o. Muthusamy,
Vettuvilai Veedu,
Elavuvilai Post,
Kanyakumari District-629171..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the order passed by the Respondent No.2 herein in his proceedings No.2339/J/2021 dated 05.07.2023 quash the same.

For Petitioner : Mr.D.Siva Raman,
For Respondents : Mr.M.Siddharthan for R1 to R3
Additional Government Pleader
No appearance for R4 to R6

ORDER

Challenge has been made to the order of the respondent No.2 dated 05.07.2023.



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2. According to the petitioner, their father had originally 21.5 cents of land, out of which, 11.5 cents were settled in favour of his two brothers and remaining 10 cents, he has executed a sale deed in favour of the petitioner, whereas, a complaint has been given as if he has purchased 10 cents from the other brothers. However, on the basis of the complaint, the impugned order came to be passed whereby the documents have been cancelled.

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

4. It is seen that the very allegation itself is with regard to the title and the nature of extent settled in their favour. Such things cannot be gone into by the registering authority.

4. It is pertinent to note that after sale and settlement of the property from the year 2010, a complaint has been given by the 5th respondent in the year 2021 . The complaint itself indicated that the factual aspect has to be established in the manner known to law.



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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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TO

1. The Inspector General of Registration,
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Chennai-600028..

2. The District Registrar (Administration),
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Marthandam..

3. The Sub Registrar,
Office of the Sub Registrar,
Munjirai,
Kanyakumari District..



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N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.24696 of 2023**

Date : 05/09/2024