



W.P(MD)No.27959 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.27959 of 2022

and

W.M.P.(MD)Nos.22046 and 22047 of 2022

P.Ochanathevar

... Petitioner

Vs.

1.The Deputy Inspector General,
Registration Department, Madurai Region,
Combined Registration Office,
Rajakambeeram,
Y.Othakadai, Madurai-625 107.

2.The District Registrar,
Madurai Road, Periyakulam Town,
Theni District.

3.The Sub Registrar,
Theni Sub Registrar Office,
New (Pennycuick) Bus Stand Eastern Side,
Theni Taluk, Theni District.

4.Selvameena

5.Lavanya

6.S.Vasanthi

7.G.Jeyaganesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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records relating to the impugned Sale Deed bearing document No.10845 / 2022 dated 04.11.2022 on the file of the 3rd respondent Sub-Registrar executed by the 4th and 5th respondents and quash the same and consequently forbear the 3rd respondent from entertaining any further documents for registration in respect of the property comprised in S.No.164/1, Part land situated at Mariamman Kovilpatti hamlet of Veerapandi Village, Theni Taluk, Theni District within a time frame fixed by this Court.

For Petitioner	: Mr.S.Balaji
For R1 to R3	: Mr.M.Siddarthan Additional Government Pleader
For R4 to R7	: Mr.R.Shankar Ganesh

ORDER

The petitioner challenging the sale deed bearing document No. 10845 / 2022 dated 04.11.2022 on the file of the 3rd respondent Sub-Registrar executed by the 4th and 5th respondents and seeking a consequential direction to forbear the 3rd respondent from entertaining any further documents for registration in respect of the property comprised in S.No.164/1, Part land situated at Mariamman Kovilpatti hamlet of Veerapandi Village, Theni Taluk, Theni District, has filed this writ petition.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.



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3.It is the case of the petitioner that the property in question was purchased by the father of the petitioner. After his demise, the petitioner and his brother divided the said property themselves by way of an unregistered document and after some time, the petitioner executed a relinquishment deed in respect of his share in favour of his brother. Thereafter, the petitioner and her brother entered into an unregistered partition deed with regard to another property and original document was also granted to the petitioner. However, the brother of the petitioner with an intention to cheat the petitioner, had executed a gift deed in respect of the entire property in favour of her granddaughters. In this regard suit in O.S.No.108 of 2019 and 91 of 2021 are pending between the parties. In the meanwhile, the granddaughters of the petitioner's brother, based on the settlement deed, had sold the subject property. Seeking to cancel the said sale deed, the petitioner approached the authorities concerned. Since the same was not considered, the petitioner has filed this writ petition to cancel the said deed.

4.The very Section 77(A) inserted under Registration Act to cancel the registered document, 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



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before the civil Court in view of the decisions made in **Satya Pal Anand v.**

State of M.P.[2016 10 SCC 767] and **G. Rajasulochana v Inspector General**

[W.P 29706 of 2024 dated 16.04.2024]. Accordingly, this Writ Petition is

dismissed. No costs. Consequently, connected miscellaneous petitions are

closed.

27.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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N.SATHISH KUMAR, J

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