



W.P(MD)No.28197 of 2022s

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.28197 of 2022

and

W.M.P.(MD)No.22264 of 2022

1.Backiyathai
2.Jeyakodi

... Petitioners

Vs.

1.The Deputy Inspector General of Registration,
Tirunelveli District, Tirunelveli.

2.The District Registrar,
Palayamkottai Registration Office,
Tirunelveli.

3.The Sub -Registrar,
Sathankulam, Tuticorin District.

4.Indian Integrated Energy Limited,
Through its Authorized Officer,
Registered No.Cinu123203 Tn 2005 Blc 0566591,
India Gas Limited, No.19,
GN Chettitheru, Chennai - 600 006.

5.Subbareddy,

... Respondents

[R4 and R5 are Impleaded vide order Dated 25.01.2023]

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



W.P(MD)No.28197 of 2022s

cancel the document No.1816 of 2013 based on the petitioner's representation dated 15.09.2022 within a time to be stipulated by this Court.

For Petitioner : Mr.S.Vinodh
For R1 to R3 : Mr.C.Satheesh
Government Advocate
For R4 : No Appearance

ORDER

The petitioner seeks a direction to the respondents to cancel the document No.1816 of 2013 based on the petitioner's representation dated 15.09.2022.

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

3.It is the case of the petitioner that the subject properties belonged to the petitioner's husband and his brothers. The petitioner is in possession and enjoyment of the same. While so, the petitioner came to know that the subject property had been included in the power deed dated 31.10.2023. Hence, the petitioner made an application to cancel the said document. Since the same was not considered so far, the petitioner has filed this writ petition.



W.P(MD)No.28197 of 2022s

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 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 petition is closed.

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Deputy Inspector General of Registration,
Tirunelveli District, Tirunelveli.
- 2.The District Registrar,
Palayamkottai Registration Office,
Tirunelveli.
- 3.The Sub -Registrar,
Sathankulam, Tuticorin District.



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W.P(MD)No.28197 of 2022s

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W.P(MD)No.28197 of 2022

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