



W.P.(MD) No.30488 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.30488 2023

S.Vedhamuthu

...Petitioner

-VS-

1.The District Registrar (Admin),
Karaikudi Registration District,
Karaikudi-2.

2.The Sub-Registrar,
O/o the Sub-Registration Office,
Thiruvadanai,
Ramanathapuram District.

3.Jeyaraj

4.Kaliammal

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the impugned order of rejection passed by him vide his proceedings in Na.Ka. No.2284/A4/2023 dated 09.06.2023 and quash the same as illegal and arbitrary and consequently direct the 1st respondent to conduct an enquiry in accordance with Section 77-A of Registration Act 1908 and thereby cancel the registered sale deed in doc. No.774/2009 and



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776/2009 dated 23.04.2009 in the light of the observation made by the learned Subordinate Court, Ramanathapuram in the common judgement and decree passed in A.S.No.36/2018 and A.S.No.15/2022 dated 28.01.2023.

For Petitioners : Mr.G.Thalaimutharasu
For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader
For R3 & R4 : Mr.M.Saravana Kumar

ORDER

The petitioner has filed this writ petition challenging the order of rejection passed by the first respondent vide his proceedings in Na.Ka. No.2284/A4/2023 dated 09.06.2023 and consequently to direct the 1st respondent to conduct an enquiry in accordance with Section 77-A of Registration Act 1908 and to cancel the registered sale deed in doc. No. 774/2009 and 776/2009 dated 23.04.2009.

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 petitioner is in possession and enjoyment of the property in question for the past 67

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years. In these circumstances, the third and fourth respondents have created forged sale deed in their favor as it was executed by one of the legal heirs of the owner of the subject property and claimed right over the subject property. Seeking to cancel the same, the petitioner has filed a petition before the authorities concerned. However, the authorities without taking note of the factual aspects had rejected the same and relegated the parties to the civil Court. Challenging the same, the petitioner has filed this writ petition.

4.Since 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, such 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].



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N.SATHISH KUMAR, J.

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