



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

**WP No. 28380 of 2026
AND WMP NO. 31108 OF 2026**

A.Fazal Mohammed
S/o Sheik Adam
No 29 Pallivasal sTreet,
Santhapet, tirukovilur TK,
Kallakurichi

..Petitioner(s)

Vs

1. The District Registrar
Reistration Department,
Kallakurichi District
2. The Sub Registrar
Elavasoorkottai Sub Registrar office
Kallakurichi District
3. K. Punniyamoorthy
S/o Kesavan
No 1/63 Main Road,
Enam Agaram, Veppamthattai TK,
perambalur District
4. Maxpro Developers Private Limited
No 81/1D Nethaji Nagar,
Ramanatham Village,
Tittakudi TK, Cuddalore District

..Respondent(s)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on the petitioner representation dated 01.12.2023, 30.06.2026 seeking cancellation of the fraudulent Sale Deeds registered as Document Nos.



1380 / 2023 and 1381 / 2023 as well as the base documents registered as Document Nos. 2991/ 2021 and 2992 / 2021 on the file for the 3rd Respondent, within a time frame fixed by this Honble Court

For Petitioner(s): Mr.T.Sakthivel

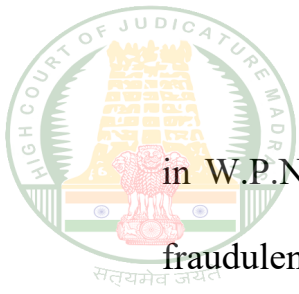
For Respondent(s): Mr.Dominic S.David, Govt. counsel for R1 & 2

Order

This writ petition has been filed to direct the 2nd respondent to consider the petitioner's representations dated 01.12.2023 & 30.06.2026.

2. The learned counsel for the petitioner would submit that in this case, initially, the private respondents had fraudulently executed a sale deed in respect of the petitioner's subject property. Hence, the petitioner had filed the representations before the 2nd respondent, requesting for cancellation of the aforesaid fraudulent sale deed by invoking the power available to them under Section 77A of the Registration Act, 1908. However, the said representation was not considered by the respondent till date. Hence, this petition.

3. In reply, the learned counsel for the respondent would submit that now, the validity of Section 77A & 68(2) of the Registration Act, 1908, was struck down by the Hon'ble Division Bench of this Court vide order dated 02.08.2024

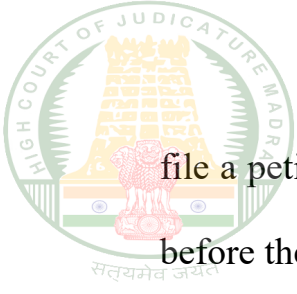


in W.P.No.10291 of 2022. In such case, the representation for cancellation of fraudulent document cannot be entertained by the 2nd respondent. Hence, he would submit that now, the only recourse available to the petitioner is to file a petition before the concerned Civil Court either for cancellation of aforesaid fraudulent document or to declare the same as “null and void”. Thus, he prays for dismissal of this petition.

4. Heard the learned counsel for the petitioner and the respondents and also perused the entire materials available on record.

5. In the case on hand, initially, the representations dated 01.12.2023 & 30.06.2026 were filed by the petitioner, requesting the 2nd respondent to cancel the fraudulent sale deed, by invoking the power available to them under Section 77A of the Registration Act, 1908. The said representations were not at all considered by the respondent.

6. As rightly contended by the respondent, the validity of Section 77A and 68(2) of the Registration Act, 1908, was struck down by the Hon'ble Division Bench of this Court vide order dated 02.08.2024 in W.P.No.10291 of 2022. In such case, the respondents will not have any power to cancel the aforesaid fraudulent document. When such being the case, this Court is not inclined to entertain this petition. Therefore, the petitioner is granted liberty to



file a petition, to cancel the sale deed or to declare the same as “null and void”,
before the appropriate Civil Court.

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7. In view of the above, this writ petition is dismissed. No cost.

Consequently, the connected miscellaneous petition is also closed.

23-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

nsa

To

1. The District Registrar
Reistration Department,
Kallakurichi District
2. The Sub Registrar
Elavasoorkottai Sub Registrar office
Kallakurichi District



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WP No. 28380 of 2



KRISHNAN RAMASAMY J.

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