



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8659 of 2021

Maragathavalli

...Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The District Registrar,
Registration Department,
Sivagangai, Sivangai District.
3. The Sub Registrar,
Registration Department,
Ilayankudi, Sivangangai District.
4. Selvakumar

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to dispose of the petitioner's representation dated 22.01.2021.

For Petitioner
For R-1 to R-3

: Mr.Prahadlad Ravi
: Mr.K.Sathiyasingh
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents 1 to 3 to consider the representation made by the petitioner on 22.01.2021, wherein, the petitioner has sought for the cancellation of a mortgage deed, dated 26.08.2019, registered on the file of the third respondent.

2. The case of the petitioner is that the petitioner is the owner of the subject property. According to the petitioner, the fourth respondent had lent money and in the guise of getting a loan document, managed to get a mortgage deed registered in his favour. It is stated that the petitioner is illiterate and she was cheated



by the fourth respondent and the document in question was a fraudulent document.

3. The petitioner, therefore, made a representation to the respondents 1 to 3 seeking for the cancellation of the document. Since the same was not acted upon, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.Prahadlad Ravi, learned counsel appearing on behalf of the petitioner and Mr.K.Sathiyasingh, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3.

5. In the considered view of this Court, the petitioner is seeking for cancellation of the mortgage deed, dated 26.08.2019. According to the petitioner, the fourth respondent has cheated her and managed to get the mortgage deed executed in his favour and according to the petitioner, it is a fraudulent document. This Court has repeatedly held that the Registration Department does not have the power to cancel or recall any registered document. If any person is aggrieved by the registration of any such document, the grievance can be redressed only by approaching a competent Civil Court. Therefore, the petitioner will have to work out her remedy only before the competent Civil Court and merely sending representations to respondents 1 to 3 will not yield the desired result for the petitioner.

6. This Writ Petition stands disposed of by granting liberty to the petitioner to work out her remedy before the competent civil court in accordance with law. No costs.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

tsg

To

1. The District Collector,
Sivagangai District,

Sivagangai

<https://hcservices.ecourts.gov.in/hcservices/>



2. The District Registrar,
Registration Department,
Sivagangai, Sivangai District.

3. The Sub Registrar,
Registration Department,
Ilayankudi, Sivangangai District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-17666[F] dated
27/04/2021)

+1 CC to M/s.SPL GP (SR-17898[F] dated 28/04/2021)

Order made in
W.P. (MD) .No.8659 of 2021

Dated:
27.04.2021

GS (9.06.2021) 3P 6C