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WP No.12192 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.12192 of 2023

R.Thirupuram

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore,
Chennai-4.

2.The District Registrar,
Registration Department,
Chengalpattu District,
Chengalpattu.

3.The Sub Registrar,
Cheyyur,
Chengalpattu District.

4.T.Devarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to cancel



the Sale Deed dated 02.06.2004 vide document No.1007/2004 based on the representation of the petitioner dated 09.01.2023 under Section 77-A of the Registration Act.

For Petitioner : Mr.M.Selvam

For Respondents-1 to 3 : Mr.D.Ravichander,
Special Government Pleader.

For Respondent-4 : Not Ready in Notice

ORDER

The relief sought for in the present writ petition is for a direction to direct the second respondent to cancel the Sale Deed dated 02.06.2004 vide document No.1007/2004 based on the representation submitted by the petitioner on 09.01.2023 under Section 77-A of the Registration Act.

2. The petitioner states that he possess the acquired right in respect of the property in Survey No.311/1A belonging to his father, namely, Mr.Thulasi. The subject property was orally partitioned without the



knowledge of the petitioner and fraudulent registration has been made in the year 2004 vide Document No.1007 of 2004.

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3. Admittedly, the petitioner is not a party to the registered Partition Deed. If at all the civil rights of the petitioner has been denied by his sisters or by his father, the petitioner has to approach the Competent Civil Court of Law for the purpose of establishing her right.

4. Contrarily, the document otherwise registered by following the procedures as contemplated under the Registration Act, cannot be cancelled on the ground of fraud. Even for issuing a direction to consider the representation, the petitioner has to establish her right. In the absence of any such right, no writ can be entertained.

5. In the present case, perusal of the representation submitted by the petitioner reveals that the petitioner seeks cancellation of the document on the ground of fraud. However, the facts and the allegations set out in the complaint are relating to civil rights between the parties. In the event of fraud, per se, with reference to Sections 32 to 35 of the Registration



Act, then alone the District Registrars would be in a position to cancel the documents. Therefore, in common parlance, cancellation of document cannot be adjudicated under the Registration Act and every fraud committed by a person would not fall under the definition of Section 77-A of the Registration Act.

6. In view of the fact that the dispute raised by the petitioner is of civil in nature, the petitioner has to approach the Competent Civil Court of Law for redressal of her grievances. The District Registrars are not empowered to adjudicate the civil rights or the civil disputes between the parties.

7. With the above observations, the writ petition stands dismissed. However, there shall be no order as to costs.

30-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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S.M.SUBRAMANIAM, J.

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