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W.P.No.21771 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 31.10.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.P.No.21771 of 2023**

N.Nirmala Devi

...  
/vs/

Petitioner

1.The Inspector General Registration

No.100, Santhome High Road,  
Mylapore, Chennai – 600 004.

2.The Deputy Collector (Stamps)

5<sup>th</sup> Floor, Singaravelar Maligai,  
Rajaji Salai, Chennai – 600 001.

3.The District Registrar (South)

District Registrar Office,  
Saidapet, Chennai.

4.The Sub Registrar,

Tambaram Sub Registrar Office,  
No.49, Sabai Colony,  
Sembakkam, Rajakilpakkam,  
Chennai – 600 073.

5.The Sub Registrar,

Selaiyur Sub Registrar Office,  
No.49, Sabai Colony  
Sembakkam, Rajakilpakkam  
Chennai – 600 073.

...

Respondents



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**PRAYER :** The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2<sup>nd</sup> respondent to declare the sale deed bearing No.9158/2006 dated 12.10.2006 registered before the 4<sup>th</sup> respondent as lapsed as per the principle contemplated in the Section 47(A3) of the Indian Stamp Act and consequently, directing the 4<sup>th</sup> and 5<sup>th</sup> respondents to remove all endorsements pertaining to 47-A of the Indian Stamp Act, created on the property in the sale deed document No.9158 of 2006 dated 12.10.2006 on the file of the 4<sup>th</sup> and 5<sup>th</sup> respondent based on the petitioner's representation dated 23.12.2022.

|                 |     |                                                    |
|-----------------|-----|----------------------------------------------------|
| For Petitioner  | ... | Mr.J.Kather Hussain                                |
| For Respondents | ... | Mr.Yogesh Kannadasan<br>Special Government Pleader |

### **ORDER**

This writ petition has been filed to issue a Writ of Mandamus directing the 2<sup>nd</sup> respondent to declare the sale deed bearing No.9158 of 2006 dated 12.10.2006, registered before the 4<sup>th</sup> respondent, as lapsed, as per the principles contemplated in Section 47-A(3) of the Indian Stamp Act and consequently, direct the 4<sup>th</sup> and 5<sup>th</sup> respondents to remove all endorsements pertaining to Section 47-A of the Indian Stamp Act, created on the property in the sale deed document No.9158 of 2006 dated 12.10.2006 on the file of the 4<sup>th</sup> and 5<sup>th</sup> respondents, based on the petitioner's representation, dated 23.12.2022.



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2.The petitioner and her siblings had filed a suit in O.S.No.918 of 2012 on the file of the Additional District Munsif Court, Alandur, for declaration declaring the General Power of Attorney, vide Document No.601/2004 dated 21.12.04, the sale deed, vide Document No.4340/2005 dated 03.06.2005, sale deed, vide Document No.3129/2006 dated 15.03.2006, sale deed, vide Document No.5637/2006 dated 28.06.2006 and sale deed, vide Document No.9159/06 dated 12.10.2006 (Judgment amendment as per order in I.A.102/2020 dt.11.2.2020, ADM, Allandur) are all null and void, void ab initio and also for permanent injunction. Subsequently, the said suit was decreed as prayed for and the said decree was also registered on 07.01.2015, vide Document No.121 of 2015 before the Sub Registrar Office, Selaiyur/the 5<sup>th</sup> respondent and the 5<sup>th</sup> respondent sent a Memorandum to the 4<sup>th</sup> respondent regarding cancellation of all the entries in the Encumbrance of the petitioner's property. Inadvertently, one of the documents had been omitted to be mentioned in the suit and the decree was also obtained and therefore, she made a representation to cancel the entry, but there was no positive response. Hence, the present writ petition has been filed.



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**WEB COPY** 3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4. On a perusal of the materials, it is seen that the decree in O.S.No.918 of 2012 was registered on 07.01.2015, vide Document No.121 of 2015 before the Sub-Registrar Office, Selaiyur/5<sup>th</sup> respondent herein and the subject document was not found in the said decree and the factual aspects cannot be decided in the writ petition and the Registrar has no authority to declare the title or decide the civil dispute.

5. Under the above facts and circumstances, the writ petition is dismissed, with liberty to the petitioner to work out her remedy before the appropriate forum in the manner known to law. No costs.

Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation: Yes/No  
sms

**31.10.2023**



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**P.VELMURUGAN,J.**

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