



W.P.No.23508 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.08.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.23508 of 2023

K. Andal

.. Petitioner

Versus

1.The District Registrar,
Registration Department,
Virudhachalam,
Cuddalore District.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Ulundurpet.

3.Pandu

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, to direct the 1st respondent to cancel the Sale Deed bearing No.2573/2017 dated 23.11.2017 on the file of the second respondent by considering the petitioner's representation dated 13.11.2022 under Section 77-A of the Registration (Tamil Nadu Second Amendment) Act, 2021, within a time frame fixed by this Hon'ble Court.



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For Petitioner : Mr.G.Munusamy
For R1 & R2 : Mr.D.Ravichander,
Special Government Advocate.

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to cancel the sale deed bearing No.2573/2017 dated 23.11.2017 u/s 77-A of the Registration (Tamil Nadu Second Amendment) Act, 2021.

2.The petitioner states that she has submitted an application u/s 77-A of the Registration Act [hereinafter referred to as “the Act”] to cancel the documents of the year 1987, 1973, 2007, 1981, 1969, 1990 and 2017. The documents sought to be canceled in the complaint filed by the petitioner are pertaining to the years from 1969 onwards. The Amendment made u/s 77-A of the Act cannot be applied retrospectively for the purpose of canceling the documents of the years 1967, 1973, 1981 etc. In the event of canceling those documents, the settled rights will be unsettled without conducting any appropriate adjudication.



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3.The District Registrars are empowered to conduct summary proceedings u/s 77-A of the Act. Those sale deeds registered in the years 1969, 1973, etc., would be conferring a civil right on the persons, i.e., the holder of the documents. Such civil rights conferred by virtue of the registered documents cannot be taken away or infringed by conducting summary proceedings u/s 77-A of the Registration Act. Thus, the documents registered by fraud or impersonation within the ambit of Sections 32 to 35 of the Act alone would be falling under the scope of section 77-A of the Act and in respect of all other Civil disputes, the parties have to approach the competent Civil Court of law for the purpose of redressal of their grievances.

4.In the present case, the petitioner has submitted a complaint to cancel the document from the year 1969 onwards and therefore, the District Registrar is not empowered to exercise the powers and cancel those documents registered long before. Thus, the petitioner is at liberty to



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approach the competent Civil Court of law for the purpose of securing appropriate relief in the manner known to law.

5. With these observations, this writ petition stands disposed of. No costs.

10.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
cse/veda



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To

- 1.The District Registrar,
Registration Department,
Virudhachalam,
Cuddalore District.
- 2.The Sub-Registrar,
Office of the Sub-Registrar,
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S.M. SUBRAMANIAM, J.
cse/veda

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