



W.P.(MD)No.2054 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.2054 of 2016

M.Dharmaraj

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
Chennai 600028.

2.The District Registrar,
Madurai District,
Madurai.

3.The Sub Registrar,
O/o.Sub Registrar,
Usilampatti Sub Registrar Office,
Madurai District.

4.M.Dharmaraj

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 to cancel the fraudulent sale deed registered in document No.4291 of 2015 dated 19.11.2015 on the file of the third respondent and initiate appropriate action in the Light of Circular No.67 dated 03.01.2011 within the time



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frame stipulated by this Court.

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For Petitioner :Mr.S.Rajasekar

For Respondents :Mr.C.Satheesh
Government Advocate for R1 to R3

ORDER

The petitioner seeks a direction for the cancellation of an allegedly fraudulent sale deed, which was registered as document No.4291 of 2015 on 19.11.2015 by the third respondent.

2. According to the petitioner, he and his family are residing in the property situated in Survey No.184/1A of an extent of about 3.10 hectares. By alleging that one Pandiyammal, who is the wife of the petitioner's late brother Katturaja, and her sons illegally sold a portion of the undivided joint family property, the present writ petition is filed seeking cancellation of the impugned sale deed. The petition is founded on circular No.67 dated 03.01.2011, which was subsequently withdrawn.



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3. By way of amendments effected to the Registration Act 1908, cancellation of a registered document is permissible in the limited circumstances specified in Section 77-A thereof. Whether Section 77-A operates retrospectively or prospectively is pending consideration before the Division Bench of this Court.

4. In view of the above subsequent developments, this petition is not sustainable. Therefore, W.P.(MD).No.2054 of 2016 is disposed of by leaving it open to the petitioner to file a representation, if the petitioner's case falls within the scope of Section 77-A of the Registration Act as amended. There shall be no order as to costs.

20.03.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbm



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SENTHILKUMAR RAMAMOORTHY, J.

sbn

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