



W.P.No.22766 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22766 of 2024

S.Damodharan

...Petitioner

Vs.

1.The District Registrar
O/o.District Registrar Office
Cheyyar
Thiruvannamalai District.

2.The Sub-Registrar
Dhusi, Cheyyar
Thiruvannamalai District.

3.V.Anandhi

4.V.Anand

5.V.Radhika

6.V.Sarathkumar

7.Ponnammal

8.Selvaraj

9.Amirthavalli



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10.Poonkodi

11.Sudamani

12.Muniyandi @ Sanjaysrikanth

13.Ponni Ammal

14.Venkatesan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner dated 09.05.2023 for cancellation of the settlement deed executed by 13th respondent in favour of the 14th respondent dated 22.11.2010 registered as document No.2708 of 2010 SRO Dhusi, on the file of the second respondent herein and registration District of Cheyyar, by having proper investigation thereon in respect of the property comprised in Survey No.209/2A measuring 0.60 cents; Survey No.209.2C measuring 0.63 cents; Survey No.210/2D1 measuring 0.33 cents, Survey No.210/203 measuring 0.33 cents, Survey No.209/2B measuring 0.62 cents, Survey No.2108/2D2 measuring 0.35 cents totally 2.86 cents situate at Mathur Village, Vembakkam Taluk, Thiruvannamalai District and remove the entries in the Encumbrance certificate in respect of the said document.



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For Petitioner : Mr.K.Jayaraman

For Respondents : Mr.M.Shahjahan for R1 & R2
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents to consider his representation dated 09.05.2023 for cancellation of the settlement deed executed by 13th respondent in favour of 14th respondent dated 22.11.2010.

2. It is the case of the petitioner that the property covered by the document originally belonged to his grand father and he has been in possession and enjoyment of the same. The 13th respondent executed a settlement deed in favour of 14th respondent without having any supporting documents and therefore, he submitted a representation on 09.05.2023 before the first respondent seeking cancellation of the document under Section 77 (A) of the Registration Act.



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3. In view of the order passed by the Division Bench of this Court in *M.Kathirvel Vs The Inspector General of Registration* in W.P.Nos.10291 of 2022 and batch, striking down Section 77 (A) of the Registration Act, there is no enabling provision empowering the first respondent to cancel the registered deed on the ground of fraud. In view of the above, the prayer made by the petitioner before the first respondent cannot be considered by him in the absence of any enabling provision.

4. Accordingly, this Writ Petition is dismissed. No costs.

12.08.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

1.The District Registrar
O/o.District Registrar Office
Cheyyar
Thiruvannamalai District.

2.The Sub-Registrar
Dhusi, Cheyyar
Thiruvannamalai District.



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S.SOUNTHAR, J.
dna

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