



W.P.No.3144 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.3144 of 2023

Nagammal

... Petitioner

Vs

1. The Inspector General of Registration,
O/o.the Inspector General of Registration,
Santhome High Road, Chennai – 600 004.
 2. The District Registrar [Administration],
O/o.District Registrar Office, Kancheepuram District.
 3. The Joint Registrar,
Kancheepuram, Kancheepuram District.
 4. The Sub Registrar,
Kancheepuram II, Sub Registrar Office,
Kancheepuram District.
 5. Devaikani
- ... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of



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India, to issue a Writ of Mandamus directing the 1st to 4th respondents to conduct necessary enquiry and dispose petitioner application for cancellation of document registered in respect of the property in S.F.No. 193 / 2A 193/ 2B1A 193/ 2B2A measuring about 3 acres 28 cents situate in Sevelimedu Village Kancheepuram District Doc No. 354/1981 dated 19.11.1981 executed in favour of the 5th respondent and subsequent documents on the basis of the Petitioners representation dated 06.01.2023 within the time stipulated by this Court.

For Petitioner : Ms.C.R.Ponnuthai

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader – R1 to R4

Mr.C.Shankar – R5

ORDER

This Writ Petition has been filed to direct the respondents 1 to 4 to conduct necessary enquiry and dispose petitioner application for cancellation of document registered in respect of the property in S.F.No. 193 / 2A 193/ 2B1A 193/ 2B2A measuring about 3 acres 28 cents situate in Sevelimedu Village Kancheepuram District Doc No. 354/1981



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dated 19.11.1981 executed in favour of the fifth respondent and subsequent documents on the basis of the petitioner's representation dated 06.01.2023 within the time stipulated by this Court.

2. The case of the petitioner is that one Pachaimmal mortgaged her property in favour of the petitioner and executed a registered mortgage deed dated 06.09.1973 before the third respondent and thereafter, either the said Pachaimmal or her her legal heirs have not redeemed or cancelled the above mortgage. While so, during the life time of the said Pachaimmal, she executed a settlement deed in favour of the fifth respondent and the fifth respondent in turn executed sale deeds in favour of many persons. Hence, the petitioner gave a representation dated 06.01.2023 to cancel the documents with regard to the mortgaged properties. But the same has not been considered till date. Hence, the impugned Order sought to be quashed.

3. I have perused entire materials. If the registration authorities are vested with any power to enquire into these type of complaints and



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cancel the documents, then the contention of the petitioner would be deserved to be heard properly. Whereas, the very relief sought before the registering authority itself is not maintainable. Entertaining these type of writ petitions is nothing but clear waste of time and abuse of process of law. The petitioner seeks to cancel the sale deed executed by the legal heirs on the ground of suppression of earlier mortgage registered in favour of the petitioner. Therefore, sought to exercise the power under section 77A of the Registration Act.

4. On a perusal of Section 77A of Registration Act, this court is of the view that the power vested with the authorities to cancel the document only on two exceptions, when the document is registered contrary to Section 22A and 22B of the Act and not beyond that. Mere misrepresentation and suppression of the material facts cannot be a ground to cancel the document. Even assuming that there is earlier mortgage, the remedy of the petitioner lies before the Civil Court. Further, the powers conferred under section 77A of the Registration Act will apply prospectively which has been held by the Division Bench of



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this Court in **Netvantage Technologies Pvt. Ltd v Inspector General of Registration**, *reported in 2024 SCC OnLine Mad 567*. Hence, I do not find any merits in this Writ Petition.

5. Accordingly, this Writ Petition is dismissed of. No costs.

16.04.2024

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Inspector General of Registration,
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Santhome High Road, Chennai – 600 004.
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O/o.District Registrar Office, Kancheepuram District.
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N.SATHISH KUMAR, J.

VTC

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