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W.P.No.8370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.8370 of 2024

M.Vijaya

... Petitioner

Vs

1. The Inspector General of Registration,
Santhome High Road, Chennai – 600 004.

2. The Deputy District Registrar,
Vellore Combined Registration Office,
Veppamara Street, Vellapadi, Vellore – 1,
Vellore District.

3. The Sub Registrar,
Sub Registrar Office,
Katpadi, Katpadi Taluk,
Vellore District.

4. S.Anitha

5. S.Asha

6. Naveen Kumar

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Call for the records on the file of the second respondent culminated in Na.Ka. No.5891/ A1/



W.P.No.8370 of 2024

2023 dated 18.01.2024 and quash the same and consequently direct the first respondent to decide the appeal filed by the petitioner dated 11.09.2023 on merits and consequently cancel the document Nos.11025/2021 and 11026/2021 registered at SRO, Katpadi, Vellore District.

For Petitioner : Mr.N.Sampath

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed to quash the proceedings of the second respondent in Na.Ka. No.5891/ A1/ 2023 dated 18.01.2024 and consequently direct the first respondent to decide the appeal filed by the petitioner dated 11.09.2023 on merits and consequently cancel the document Nos.11025/2021 and 11026/2021 registered at SRO, Katpadi, Vellore District.

2. The main grievance of the petitioner is that instead of deciding the appeal filed by him against the dismissal of his complaint, for



W.P.No.8370 of 2024

cancellation of the sale deed, the matter has been once again sent back to the lower authority concerned. 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 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 misrepresentation of facts and want of consideration. 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 is vested with the authorities to cancel the document only on two exceptions, when the document is registered



W.P.No.8370 of 2024

WEB COPY

contrary to Section 22A and 22B of the Act and not beyond that. Mere misrepresentation and inadequate consideration paid cannot be a ground to cancel the document. Even assuming that there is no consideration or inadequate consideration, the remedy of the petitioner is to file a suit for recovery of the unpaid sale consideration. Hence, I do not find any merits in this Writ Petition.

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

01.04.2024

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Inspector General of Registration,
Santhome High Road, Chennai – 600 004.



W.P.No.8370 of 2024

WEB COPY

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W.P.No.8370 of 2024

N.SATHISH KUMAR, J.

VTC

WP.No.8370 of 2024

01.04.2024