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WP.Nos.18501 & 18511 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.18501 & 18511 of 2024 &

WMP.Nos.20281 & 20291 of 2024

Atikrmaya Builders,
Rep. by its Partner Mr.Suresh Kumar
Vijay Complex, 2nd Floor, No.3 Blackers Road,
Anna Salai, Chennai – 600 002.

.. Petitioner in both WPs.

Versus

1. The Inspector General of Registration,
100, Santhome High Road, Chennai – 600 028.

2. The Sub Registrar,
Neelankarai, Chennai – 600 041.

3. Suresh Ratnam

4. Beenu Govind Rao

5. Kavya Sindhu Giridharan ..Respondents in WP.No.18501 of 2024

1. The Inspector General of Registration,
100, Santhome High Road, Chennai – 600 028.

2. The Sub Registrar,
Neelankarai, Chennai – 600 041.

3. Suresh Ratnam

4. Beenu Govind Rao

5. Kavya Sindhu Giridharan ..Respondents in WP.No.18511 of 2024



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Prayer in W.P.No.18501 of 2024 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to cause an enquiry into the illegal registration of documents by the second respondent in respect of the aforementioned properties “Poes Garden” comprised in Plot Nos.4 part & 50 part, R.S.No.1567/43, Block No.31, Mylapore Regeneue Division and consequently cancel the documents registered as Sale Deed, Document No.382/2023 registered before the second respondent and restore the position as on 15.02.2022 in respect of the aforesaid property.

Prayer in W.P.No.18511 of 2024 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to cause an enquiry into the illegal registration of documents by the second respondent in respect of the aforementioned properties at “Classic Retreat” comprised in Plot Nos.321 – 324, in parts of S.Nos.599/1F, 599/1D, 599/1B, 600/3, 600/4D, 600/5, Plot Nos.338 & 339 in parts of S.Nos.599/1A, 599/1B, 599/1D, 599/1E, 599/1F and consequently cancel the documents registered as Memorandum of Deposit of Title Deeds in Doc.No.6207 of 2023, Sale Deed Doc.No.7322 of 2023 and 7323 of 2023 registered before the second respondent and restore the position as on 15.02.2022 in respect of the aforesaid property.

For Petitioner : Mr.Vishnu Mohan
[in both WPs.]

For Respondents : Mr.P.Sathish
[in both WPs.] Additional Government Pleader – R1 & R2



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COMMON ORDER

Since no adverse Order has been passed against the private respondents, notice to them is dispensed with. With the consent of both sides, these Writ Petitions are taken up for final disposal at the admission stage itself.

2. These Writ Petitions are filed to direct the directing the first respondent to cause an enquiry into the illegal registration of documents by the second respondent in respect of the respective subject properties and consequently cancel the documents registered as sale deed and Memorandum of Deposit of Title Deeds in Document No.382 of 2023, Document No.6207 of 2023, Sale Deed Doc.No.7322 of 2023 and 7323 of 2023 respectively registered before the second respondent and restore the position as on 15.02.2022 and 13.10.2021 respectively in respect of the aforesaid properties.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.



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4. It is the case of the writ petitioner that the petitioner is the agreement holder and the agreement has been registered in the year 2015 which is also reflected in the encumbrance certificate. However, in the subsequent encumbrance certificate the entry has been removed and sale has been taken place. Hence, seeks a direction to take action against the officials and cancel the document.

5. At the outset, this Court is of the view that the registering authorities have no power to cancel a document except if the document fall within the ambit of 22A, 22B of Registration Act. The registering authorities have no power, whatsoever, to go into the validity of the document. However, the petitioner claims right on the basis of the agreement of the year 2015. It is well settled that mere agreement of sale will not create any right or interest over the immovable property. Mere entering into an agreement is not a bar for subsequent transfer of property as held by the Division Bench of this Court in ***N. Ramayee v Sub-Registrar, reported in (2020) 6 CTC 697.***

6. In such view of the matter, as far as cancellation of the documents is concerned, this Writ Petition is not maintainable. It is for the petitioner to work out his remedy in a proper manner before the Civil Court. However,



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with regard to the missing of entry relating to the agreement in the encumbrance certificate and the entries obtained later, let the first respondent conduct enquiry and if necessary take appropriate disciplinary action against the officer concerned.

7. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

18.07.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1. The Inspector General of Registration,
100, Santhome High Road, Chennai – 600 028.
2. The Sub Registrar,
Neelankarai, Chennai – 600 041.



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vrc

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