



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.3940 of 2018

Mrs.R.Aadhilakshmi

.. Petitioner

-VS-

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai-600 028.

2.The District Registrar,
Chennai Central,
Bharathiar Salai,
Royapet,
Chennai-600 014.

3.The Sub Registrar,
Triplicane,
Bharathiar Salai,
Royapet,



Chennai-600 014.

4.Mrs.Senchu Lakshmi

5.S.Syed Kasim

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to direct the second and third respondents to consider and take necessary action on petitioner's representation dated 17.11.2017.

For Petitioner	:	Mr.R.Narendran
For Respondents-1 to 3	:	Mr.G.Krishna Raja, Additional Government Pleader.
For Respondent-4	:	Mr.R.Gunasekaran
For Respondent-5	:	Mr.A.Ilango

ORDER

The relief sought for in the present writ petition is to direct the respondents 2 and 3 to consider the representation submitted by the



petitioner on 17.11.2017 and take action.

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2. The representation submitted by the petitioner would reveal that the respondents 4 and 5 fraudulently registered a Sale Deed by stating that some of the original owners died.

3. Pertinently, during the relevant point of time, when the subject Sale Deed was registered, the District Registrar had no power to cancel the Sale Deed registered under the provisions of the Registration Act. The Circular issued by the Government in Circular No.67 of 2011 also had been withdrawn.

4. Therefore, the petitioner has to approach the Competent Civil Court of Law for the purpose of cancellation of the fraudulent registration, if any, made in respect of the subject property. Though the Amendment has been brought in, to deal with such allegations of fraud or impersonation under Section 77-A of the Registration Act, the said Amendment came into force with effect from 16.08.2022 and the amended provision cannot be given effect to with retrospective effect, so as to declare



the document registered prior to the Amendment is null and void. Hence,
the petitioner has to work out his remedy by approaching the Competent
Civil Court of Law.

5. With the above observations, the present writ petition stands
disposed of. However, there shall be no order as to costs.

12-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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S.M.SUBRAMANIAM, J.

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