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WP.No.12547 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.12547 of 2024

V.Raghupathy

.. Petitioner

Versus

1.The Deputy Inspector General of Registration (DIG)
Chennai Zone, Nandanam
Chennai – 600035

2.The District Registrar
Office of the District Registrar
No.268, Bharathi Sala
Express Estate, Royapettah
Chennai – 600 014

3.The Sub Registrar
Office of the Sub-Registrar
Kodambakkam, Chennai – 600 024

4.R.Radhabi

5.R.Jothiraman

6.R.Vinoth Kumar

7.R.Raghupathy

8.R.Varadharajan

9.R.Balaji

10.R.Hemachandran

11.M.Saraswathi

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents No.1,2 & 3 to dispose of the petitioner's representation dated 26.02.2024.



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For Petitioner : Dr.E.Gomathi

For Respondent : Mr.P.Anandhakumar for R1 to R3
Government Advocate

ORDER

This writ petition is filed for a direction to the respondents 1 to 3 to dispose of the petitioner's representation dated 26.02.2024.

2. It is the grievance of the writ petitioner that when the suit for easementary right was pending between the private respondents and the writ petitioner in O.S.No.1431 of 2022, the fourth respondent has executed a settlement deed in favour of her sons, thereafter, the property has been sold. Hence, according to the petitioner, during the pendency of the suit, the settlement deed has been registered. Hence, seeks to cancel the document under Section 77-A of the Registration Act.

3. Heard both sides and perused the materials available on record.

4. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



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5. At the outset, this Court is of the view that the power of cancellation of such document is not vested with the registering authorities under Section 77-A of the Registration Act. The amendment brought under Sections 22-A or 22-B of the Act is under different context not for every transaction. If at all the petitioner is of the firm view that the property is also subject matter of the transaction by the neighbourers, the same can be avoided by approaching civil court not before a writ court.

6. Accordingly, this writ petition stands dismissed. No costs. It is for the petitioner to work out his remedy before the appropriate Court, if proper advised.

04.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

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2. The District Registrar
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3.The Sub Registrar
Office of the Sub-Registrar
Kodambakkam, Chennai – 600 024

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