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W.P. No.12703 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 04.06.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.No.12703 of 2024**

Varalakshmi

... Petitioner

Vs

1.The District Registrar (Administration)

District Registrar Office

Krishnagiri - 635 001

2.The Sub Registrar

Joint - II Sub Registrar Office

Krishnagiri Taluk & District

3.Venkatesh

4.T.H.Sabeer Ahamed

5.T.H.Kabeer Ahamed

6.T.H.Munner Ahamed

... Respondents

**Prayer:** Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the proceedings in Na.Ka. No.69644/E/2023 dated 20.09.2023 quash the same and consequently direct the 2nd respondent to



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forthwith delete the relevant entries relating to registration of cancellation of Settlement Deeds dated 10.03.2005 Document Nos.473/2005 & 476/2005 and other consequential deeds Sale Deed Document Nos.621/2005 & 1716/2023 in the Registration records in respect of land to an extent of 5720 sq.ft. comprised in Survey No.42/3A sub divided as Survey No.42/9B situated at Painapalli Village, Krishnagiri Taluk & District.

For Petitioner : Ms.R.Divyapreathika

For Respondents : Mr.Yogesh Kannadasan  
Spl. Govt. Pleader for R1 & R2

### **ORDER**

Challenge has been made to the rejection order passed by the respondents 1 and 2. The petitioner gave representation for unilateral cancellation of the settlement deeds executed by petitioner's vendor's father in the year 2005. It was sought to be cancelled only on 16.08.2023. The District Registrar rejected the request on the ground that since the document will not fall within the ambit of forgery under Section 22B of the Registration Act, they have no power to cancel such document. Challenging the said order, the present writ petition has been filed.



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2. Heard the 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.

3. It is the contention of the learned counsel for the petitioner that unilateral cancellation of the document is not permissible in law, which has been consistently held by this court in several judgments. According to the petitioner unilateral cancellation ought not have been permitted by the authority and hence the rejection is not valid in the eye of law.

4. No doubt, the unilateral cancellation of settlement deed or sale deed is not permissible in law. These aspects have been declared by this court in the Full Bench judgment of this court in ***Sasikala v. Revenue Divisional Officer and others*** reported in ***(2022) 7 MLJ 1***. Absolutely there is no dispute in this aspect.

5. Now, we can deal with the power of the Registering authority to cancel the document under Section 77A of the Registration Act. The Registrar can enquire and go into the documents under Section 77A of the Act only when the



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documents fall under the category of Section 22A and 22B of the Act, and not the every document. Though the unilateral cancellation may not be valid in the eye of law, this court is of the view that the same can be questioned only in the civil court. Particularly after a lapse of many years, the unilateral cancellation of the settlement deed executed and thereafter sale deed has also been executed in favour of the petitioner in the year 2006, after a gap of 20 years, such petition cannot be entertained or a direction cannot be issued. In such view of the matter, the impugned order passed by the District Registrar does not require any interference at this stage. It is for the petitioner to establish her right in an appropriate civil forum.

6. With the above observation, the writ petitions is dismissed. No costs.

**04.06.2024**

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The District Registrar (Administration)

District Registrar Office

Krishnagiri - 635 001



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2.The Sub Registrar  
Joint - II Sub Registrar Office  
Krishnagiri Taluk & District

3.The Government Pleader  
High Court, Madras



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**N.SATHISH KUMAR, J.**

Asr

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