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WP.No.11762 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **29.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.11762 of 2024 & WMP.No.12843 of 2024

Murugesan

.. Petitioner

Versus

1. The District Registrar [Administration],
O/o.Department of Registration Campus,
Cutchery Road, Kallakurichi.

2. The Sub Registrar,
Chinna Salem, Kallakurichi District.

3. Kanagam

4. Vijayakumar

5. Kesavaraj

6. Loganathan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records with respect of the impugned proceedings of the first respondent herein dated 10.01.2024 in Na.Ka.No.138/A3/2024-I and quash the same, consequently, direct the second respondent to remove the entry of the Sale Agreement dated 12.10.2023 registered before the second respondent in Document No.623/2023 in the Encumbrance Certificate within an appropriate time.



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For Petitioner : Mr.R.Nalliappan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – R1 & R2

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned proceedings of the first respondent dated 10.01.2024 in Na.Ka.No.138/A3/2024-1 and consequently, direct the second respondent to remove the entry of the Sale Agreement dated 12.10.2023 registered before the second respondent in Document No.623/2023 in the Encumbrance Certificate within an appropriate time.

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



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4. Brief facts leading to rejecting registration of the cancellation of the sale agreement executed by the third and fourth respondents in favour of the fifth respondent is that a complaint has been given before the District Registrar to cancel the sale agreement under section 77 A of the Registration Act. The request has been rejected on the ground that since the proceedings are pending before this Court challenging Section 77A of the Registration Act and there is a stay Order passed by this Court, the respondents cannot decide the issue. Challenging the said Order, the present Writ Petition has been filed.

5. At the outset this Court is of the view that application of Section 77A of the Registration Act for cancelling any document cannot be cited for the simple reason that Section 77A deals only with forged instrument and not with regard to fraudulent transaction or imperfect title, etc. In such view of the matter, seeking cancellation of the sale agreement cannot be sustained in the eye of law. Further, the authorities also have no right to cancel the document invoking Section 77A of the Registration Act. This aspect has been elaborately dealt by this Court in **W.P.No.29706 of 2022 [G.Rajasulochana Vs. Inspector General of Registration and others]**. Hence, I do not find any merits in this Writ Petition.



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6. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

29.04.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1. The District Registrar [Administration],
O/o.Department of Registration Campus,
Cutchery Road, Kallakurichi.
2. The Sub Registrar,
Chinna Salem, Kallakurichi District.



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N. SATHISH KUMAR, J.

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