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WP.No.11966 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.11966 of 2024

1. Saraswathi Devi.R
2. Klichelvi.G
3. Gandhimathy.G.

.. Petitioners

Versus

1. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai – 600 028.
2. The District Registrar,
No.182, Bharathi Salai [Pycrafts Road],
Royapettah, Chennai – 600 014.
3. The Sub Registrar,
No.63, K.P.K.Tower, Jawaharlal Nehru Sali,
100 Feet, Arumbakkam, Chennai – 600 106.
4. Yashwanth B.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioners' representation dated 07.08.2023 and 12.01.2024 for taking appropriate action for cancellation of the Settlement Deed dated 11.09.202, vide document No.3218/2002, registered before Sub Registrar office Kodambakkam, Chennai within a time frame fixed by this Court.



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For Petitioners : Mr.G.Mutharasu

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – R1 to R3

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 direct the respondents 1 to 3 to consider the petitioner's representation dated 07.08.2023 and 12.01.2024 for taking appropriate action for cancellation of the Settlement Deed dated 11.09.202, vide document No.3218/2002, registered before Sub Registrar office Kodambakkam, Chennai within a time frame fixed by this Court.

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

4. The case of the petitioners is that the subject property was purchased by the father of the first petitioner in the name of her mother, Radhalakshmi

Ammal. The first petitioner's brother Bakthavatchalam met with an accident



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and died. Subsequently, the mother of the first petitioner also died. Hence, one Leelavathi, Sridevi and Saraswathidevi are the legal heirs of the said Radhalakshmi Ammal. Thereafter, first petitioner's sister Sridevi also died and the second and third petitioners, who are her daughters, are the legal heirs of the deceased Sridevi. While so, the fourth respondent colluded with his father-in-law Murugesan and one Jayakumar, who is son of Leelavathi, forged a settlement deed and registered the settlement deed. In this regard, the petitioner gave representations on 07.08.2023 and 12.01.2024 to the respondents 1 to 3 for cancellation of the above forged settlement deed by invoking Section 77A of the Registration Act. As the respondents have not taken any action on the representations of the petitioners, the present Writ Petition has been filed.

5. At the outset this Court is of the view that Section 77A of the Registration Act cannot be applied mechanically for the simple reason that Section 77A deals only with forged instrument and not with regard to fraudulent transaction. Further this Court is of the view that this Writ Petition itself is not maintainable. The petitioners seek to achieve what they could not achieve in the Civil Court. In such view of the matter, seeking cancellation of the settlement deed cannot be sustained in the eye of law. Further, the



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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.

6. Accordingly, this writ petition is dismissed. No costs.

30.04.2024

vrc

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

To,

1. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai – 600 028.
2. The District Registrar,
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N. SATHISH KUMAR, J.

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