



W.P.No.17433 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.17433 of 2024

J.Narasimma Babu

.. Petitioner

Vs

1.The District Registrar
O/o.District Registration (Salem East)
Ammamet, Salem District

2.The Regional Manager
Canara Bank, Regional Office
2nd Floor, Saradha School Compound
Azhaapuram, Salem 636 016

3.The Branch Manager
Canara Bank
Ammamet Branch
No.508-509, Thiru Vi. Ka. Road
Salem 636 003

4.The Sub Registrar
Vazhapadi Sub Registrar Office
Vazhapadi & Taluk, Salem District

5.R.Mathiyazhagan

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to conduct elaborate enquiry and cancel the forged document No.5914 of 2021 dated 29.12.2021 on the file of the 4th respondent Sub Registrar Office.

For Petitioner : Mr.C.Prakasam
For R1 to R4 : Mr.M.Shahjahan
Special Government Pleader

ORDER

This writ petition has been filed for a direction to the 1st respondent to cancel the document No.5914 of 2021 dated 29.12.2021 on the file of the 4th respondent, by disposing of the petitioner's complaint dated 08.04.2024.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials placed on record.

3. It is the case of the petitioner that his mother, who owned a land in S.No.44/1B in Mannayakanpatti Village, Vazhapady, to an extent of 1.33 hectare, died on 29.07.2015, leaving behind her five children, including the petitioner, as her legal heirs. However, one of the petitioner's brother had availed loan from the respondents 2 and 3, by mortgaging the said property, as



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if he is the exclusive owner and since the loan was not repaid, the said property

was sold to the 5th respondent on 29.12.2021 *vide* document No.5914 of 2021.

Therefore, the petitioner lodged a complaint before the 1st respondent on 08.04.2024 under Section 77-A of the Registration Act, 1908, requesting to cancel the document No.5914 of 2021. Since no order has been passed by the 1st respondent till date, the present writ petition has been filed with the above prayer.

4. At the outset, this Court is of the view that such directions cannot be issued for the simple reason that, if at all the undivided share is also subject matter of mortgage and seems the remedy available for the petitioner is to file a suit for partition to claim his share. As there is no forgery involved in this matter and the sale conducted by operation of law, the registering authority has no power to go into the aspect of Section 77-A of the Registration Act.

With the above observation, this writ petition stands dismissed. No costs.

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Index : Yes/No

Neutral Citation : Yes/No



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