



WEB COPY



WP.No.12376 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.12376 of 2024

K.Gurubharan

.. Petitioner

Versus

1. The Inspector General of Registration,
100, Santhome High Road, R. A. Puram,
Chennai – 600 028.
2. The District Registrar, Chennai South,
Integrated Building for Offices of Commercial Taxes &
Registration Department,
Fanepet St., Nandanam, Chennai – 600 035.
3. The Sub Registrar,
Adyar Sub Registrar Office,
Kotturpuram, Chennai – 600 085.
4. A.Chinnaponnu
5. A.Gnanasekaran
6. Kuppu
7. Gangammal
8. C.A. Prabhakar

.. 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 dispose of the petitioner's representation dated 01.02.2024, seeking for cancellation of the sale deed executed by respondents 4 to 7 in favour of 8th



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respondent and registered as Document No.2419 of 2023 dated 03.07.2023 before SRO Adyar on account of fraud played by them upon Court and parties within the time as fixed by this Court.

For Petitioner : Mr.P.Subba Reddy

For Respondents : Mr.L.S.M.Hasan Fizal
Additional 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 dispose of the petitioner's representation dated 01.02.2024, seeking for cancellation of the sale deed executed by respondents 4 to 7 in favour of 8th respondent and registered as Document No.2419 of 2023 dated 03.07.2023 before SRO Adyar on account of fraud played by them upon Court and parties within the time as fixed by this Court.

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



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WEB COPY 4. This Writ Petition has been filed mainly on the ground that the respondents 4 to 7 have no title over the property. However, they sold the property to the eighth respondent. Therefore, seeks to cancel the sale deed executed in favour of the eighth respondent.

5. The writ petitioner is seeking to invoke power under Section 77A of Registration Act to cancel the sale deed executed in favour of the eighth respondent. At the outset this Court is of the view that the power under section 77A of the Registration Act cannot be exercised by the Registering authorities in these type of transactions. Whether a person has a title or not has to be decided only in a civil Court. The documents falling within the ambit of forgery alone can be cancelled under section 77A of Registration Act and not with regard to fraudulent transaction. In such view of the matter, seeking cancellation of the sale deed executed in favour of a third party cannot be sustained in the eye of law. 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. No costs.

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vrc

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

To,

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N. SATHISH KUMAR, J.

vrc

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