



WEB COPY



W.P.No.23180 of 2024

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

**DATED : 30.09.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE S.SOUNTHAR**

**W.P No.23180 of 2024**

**and**

**WMP.No.25339 of 2024**

1.Gunavathi  
2.Sowriannan

...Petitioners

Vs.

1.The Inspector General of Registration  
Santhome High Road, Chennai 600 028.

2.The District Registrar (Administration)  
Registration Department  
Collectorate Complex, Dharmapuri.

3.The Joint Sub-Registrar  
Registration Department, Dharmapuri 1.

4.Athisaya Mary  
5.Anitha  
6.Archana

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for  
issuance of a Writ of Certiorarified Mandamus, to call for the records



W.P.No.23180 of 2024

pertaining to the orders in Na.Ka.No.93/A3/2024 dated 31.01.2024 on the file of the second respondent, quash the same and to direct the second respondent to cancel the document No.3915 of 2023 on the file of the third respondent, executed by the fourth respondent, in favour of the fifth and 6<sup>th</sup> respondents, in compliance of the provisions under S.77A of the Registration Act, 1908.

For Petitioners : Mr.R.Selvakumar

For Respondents : Mr.T.Chezhiyan for R1 to R3  
Additional Government Pleader

### **ORDER**

Aggrieved by the order passed by the second respondent dismissing the application filed by the petitioner seeking cancellation of the registered documents by exercising power under Section 77-A of the Registration Act, the petitioners have come by way of this Writ Petition.

2. In view of the order passed by the Division Bench of this Court in ***M.Kathirvel Vs. The Inspector General of Registration*** in W.P.Nos.10291 of 2022 and batch, striking down Section 77 (A) of the Registration Act, which enabled the official respondents to cancel the registration Act, as on today,



W.P.No.23180 of 2024

there is no provision in Registration Act enabling the registering authority to cancel the registered document on the ground of fraud. Therefore, the request made by the petitioners seeking cancellation of the registered document cannot be entertained by the registering authority.

3. Accordingly, this Court finds no merits in this Writ Petition and consequently stands dismissed. However, it is open to the petitioners to workout their remedy before the Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

**30.09.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
dna



WEB COPY



W.P.No.23180 of 2024

**To**

- 1.The Inspector General of Registration  
Santhome High Road, Chennai 600 028.
- 2.The District Registrar (Administration)  
Registration Department  
Collectorate Complex, Dharmapuri.
- 3.The Joint Sub-Registrar  
Registration Department, Dharmapuri 1.



WEB COPY



W.P.No.23180 of 2024

**S.SOUNTHAR, J.**  
dna

**W.P No.23180 of 2024**  
**and**  
**WMP.No.25339 of 2024**

**30.09.2024**