



W.P. No.13138 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.13138 of 2024 and
W.M.P. No.14279 of 2024

Radha

... Petitioner

Vs

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

2.The District Registrar
Krishnagiri, Krishnagiri District

3.Aiyanarsamy

4.A.Shobana

5.Mahalingam

6.Kannammal

7.Ramaboian

8.Govindan

9.Palanisamy

10.Sakthivel

... Respondents



W.P. No.13138 of 2024

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records in connection with impugned orders passed by the first respondent in his proceeding bearing in Naa. Kaa. No.5134/U3/U5/2023 dated 09.02.2024, filed by the 3rd respondent and quash the same.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.P.Anandhakumar
Govt. Advocate for R1 & R2

No Appearance for R3 to R10

ORDER

This writ petition has been filed challenging the order of the first respondent dated 09.02.2024 setting aside the order of the original authority dated 30.01.2023 cancelling the documents executed by the mother of the petitioner.

2. It is the case of the petitioner, that she and her brother are the legal heirs of one Chinnaraj. The property was owned by the said Chinnaraj. He died



W.P. No.13138 of 2024

30 years back. However, the mother of the writ petitioner sold the property herself in the year 1993 and 1999 respectively in favour of the private respondents, which has culminated into further sales. These facts are not disputed. After sale of those properties 30 years back, a complaint came to be filed only on 21.11.2022 for cancellation of the documents under Section 77-A of the Tamil Nadu Registration Act, 1908. The original authority has passed an order directing that entries to be made in the encumbrance stating that no further transaction is permissible. However, on appeal, the first respondent has set aside the order.

3. The main contention of the learned counsel appearing for the petitioner is that, since the property has been sold by her mother alone, the sale deed is liable to be cancelled. Therefore, the order of the first respondent has to be set aside.

4. Heard both sides and perused the materials available on record in the form of typed set of papers.



W.P. No.13138 of 2024

WEB COPY

5. At the outset, this court is of the view that the very complaint is nothing but an abuse of process. The property was sold 30 years back. Thereafter, several transactions also took place. Even assuming that the legal heirs have not joined in the sale deed 30 years back, the fact remains that the purchasers from the mother of the petitioner have dealt with the property continuously, which has resulted in further transactions in favour of the third parties also. In fact the continuous uninterrupted possession, which is open and uninterrupted also give them right to claim a right of adverse possession. This is one aspect also cannot be denied.

6. As far as the sale by mother is concerned, merely on the basis of such sale, a document cannot be cancelled. If at all the petitioner is having any right over the property, her remedy is to file a suit for partition for claiming her relief. Therefore invoking Section 77-A of the Act will not arise at all. Further, these documents will not fall within the ambit of Section 22-A or 22-B of the Act, to enable the Registrar to exercise power under Section 77-A of the Act. Hence I do not find any error in the order of the first respondent. Accordingly, the same is confirmed.



W.P. No.13138 of 2024

WEB COPY

7. In the result, the writ petition is dismissed. No costs. Consequently,
the connected writ miscellaneous petition is closed.

13.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Inspector General of Registration

100, Santhome High Road

Chennai - 600 028

2.The District Registrar

Krishnagiri, Krishnagiri District

3.The Government Pleader

High Court, Madras



WEB COPY



W.P. No.13138 of 2024

N.SATHISH KUMAR, J.

Asr

W.P.No.13138 of 2024 and
W.M.P. No.14279 of 2024

13.06.2024