



WEB COPY



W.P.No.15864 of 2023

.IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15864 of 2023

R.Elaiyammal

... Petitioner

Vs.

1. The District Registrar (Administration),
collectrate Campus Back Side,
Nallipalayam, Namakkal.

2. Thirunavukarasu

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the 1st respondent in is proceedings Na.Ka.No.714 /A7 /2023 dated 24/01/2023 and consequentially directing the 1st respondent to conduct the enquiry.

For Petitioner : Mr.MA.P.Thangavel

For Respondents : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader (for R1);

Mr.T.Mohan, Senior Counsel for
Mr.M.Guru Prasad (for R2).



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ORDER

This writ petition is filed challenging the impugned order passed by the 1st respondent in is proceedings Na.Ka.No.714 /A7 /2023 dated 24/01/2023 and consequentially to direct the 1st respondent to conduct the inquiry.

2. In view of fact that the settlement deeds are executed by the 4th respondent based on the title acquired by him through an unregistered partition cum release deed, the said document also became invalid. However, the District Registrar is not empowered to cancel the documents already registered under the provisions of the Registration Act in view of the fact that Section 77A of the Registration Act came into force only with effect from 16.08.2022.

3. Thus, this Court do not find any infirmity in respect the order of rejection passed by the District Registrar, Namakkal, to cancel the registered settlement deed. However, this Court is of the considered opinion that the settlement deed cannot be given effect to since the 4th respondent acquired through an unregistered partition cum release deed of



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the year 2006. For cancellation of registered sale deed, the petitioner is at liberty to take appropriate actions in the manner known to law.

4. With these liberties, the writ petition stands disposed of. No costs.

03.04.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

The District Registrar (Administration),
collectrate Campus Back Side,
Nallipalayam, Namakkal.



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S.M.SUBRAMANIAM. J.,

(sha)

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