



WEB COPY

W.P.No.16154 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.16154 of 2024

N.Selvi

...

Petitioner

versus

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

2. The District Registrar (Admin),
Registration Department,
Thirupattur District.

3. The Sub Registrar,
Registration Department,
Thirupattur District.

4. Mayanci

5. Srimathi

6. Govindaraj

7. Prathap Chandran

8. S.Kathirevan

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records ending with Na.Ka.No.22/A3/2024 dated 19.02.2024 of the second respondent and quash the same.

For Petitioner

:

Mr.J.Jayabalan



For Respondent Nos.1 to 3 : Mr.Yogesh Kannadasan
Special Government Pleader

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ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. Challenging the impugned order, which rejected the application filed by the petitioner for cancellation of the document, the present writ petition is filed.

3. The brief facts of the case are that the private respondents 4 and 5 filed a partition suit against the petitioner in O.S.No.28 of 2014 on the file of the Sub-Court, Tirupattur and taking advantage of the *ex parte* preliminary decree, they registered two settlement deeds and one sale agreement. Thereafter, the *ex parte* decree has been set aside and now the suit is pending. At this stage, the petitioner has filed an application to cancel the documents under Section 77-A of the Registration Act. However, the same has been rejected on the ground that since the issue with regard to the application of Section 77-A is pending before the larger bench of this Court.



Therefore, their documents cannot be considered. Challenging that order, this writ petition has been filed.

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4. At the outset, this Court is of the view that mere registration of some documents by the co-owner cannot be the subject matter of any proceedings under Section 77-A. Section 77-A deals with only forged instruments. Such being the position, merely because some documents have been executed after obtaining the *ex parte* decree, the same cannot be the subject matter of any proceedings under Section 77-A. A mere registration of the document will not give a absolute title. In the event, the petitioner succeeds in a suit, the document executed is always subject to the result of the rights determined in the Civil Court.

5. In such view of the matter, I do not find any merits in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

26.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



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N.SATHISH KUMAR, J.

sri

To

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
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Registration Department,
Thirupattur District.
- 3.The Sub Registrar,
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