



WP.No.18233 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.18233 of 2024

M.Senaiyammal

.. Petitioner

Versus

1. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalaipuram, Chennai – 28.

2. The District Registrar, Salem East Registration District,
Udaiyapatti, Salem Town and District.

3. The Sub Registrar, O/o.the Sub Registrar,
Thammampatti, Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent authorities 1 and 2 to dispose of the petitioners representation dated 23.05.2024 and cancel the document registered by the third respondent vide document No. 1081 of 2024 dated 20.05.2024 within a time frame to be fixed by this Court.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader



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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 the first and second respondents to dispose of the petitioners representation dated 23.05.2024 and cancel the document registered by the third respondent vide document No. 1081 of 2024 dated 20.05.2024 within a time frame to be fixed by this Court.

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

4. The case of the petitioner is that a suit in O.S.No.511 of 200 has been filed for partition and final decree has been passed in the suit in the year 2006. It is his further case that for engrossing final decree stamp paper has not been produced and hence, the preliminary decree alone has been registered. Hence, according to the petitioner petitioner, the said document has to be cancelled.

5. At the outset, this Court is of the view that whether the final decree is



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executable or not, is a matter of evidence and final decree has to be passed in a different proceedings. The registering authority cannot be directed to venture into those aspects. Therefore, when a document has already been executed, it cannot be cancelled by the registering authorities. The remedy of the petitioner lies before the Civil Court to seek cancellation of the document. Hence, I do not find any merits in this Writ Petition.

8. Accordingly, this Writ Petition is dismissed. No costs.

10.07.2024

vrc

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

To,

1. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalaipuram, Chennai – 28.
2. The District Registrar, Salem East Registration District,
Udaiyapatti, Salem Town and District.
3. The Sub Registrar, O/o.the Sub Registrar,
Thammampatti, Salem District.



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N. SATHISH KUMAR, J.

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