



WEB COPY



WP.No.22403 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.22403 of 2024

Sadasivam

.. Petitioner

Versus

1.The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram
Chennai – 600 028

2.The District Registrar (Administration)
The Office of the District Registrar
Sukrawarpettai
Gopalapuram, Coimbatore – 641 018

3.The Sub Registrar
Office of the Sub Registrar Office
Taluk Office Campus
Coimbatore Road, Pollachi – 642 001

4.Gopalakrishnan
5.Muthulakshmi
6.T.Sathish Kumar
7.Singaravel

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 22.02.2024 to cancel the Doc.No.960 of 2020 on the file of the Office of the Sub-Registrar, Pollachi which was registered by fraudulent manner.



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For Petitioner : Mr.G.Mohana Krishnan
For Respondents : Mr.B.Vijay for R1 to R3
Additional Government Pleader

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ORDER

This writ petition is filed directing the respondents 1 and 2 to consider the petitioner's representation dated 22.02.2024 to cancel the Doc.No.960 of 2020 on the file of the Office of the Sub-Registrar, Pollachi which was registered by fraudulent manner.

2. By consent of both parties, this writ petition is taken up for final disposal. Since no adverse order is passed against the private respondents, notice to them is dispensed with.

3. Heard both sides and perused the materials placed on record.

4. It is the case of the writ petitioner that the petitioner has executed a Power of Attorney in favour of the fourth respondent and subsequently, sale deed has been executed by the fourth respondent in favour of fifth respondent by forging the signature of the petitioner in the life certificate before the third respondent. Hence, according to him, entire act is nothing but forgery and

seeks direction to cancel the document under Section 77-A of the Registration



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5. The learned Additional Government Pleader submitted that the Division Bench of this Court in the case of *M.Kathirvel vs. The Inspector General of Registration and others* made in *W.P.Nos.10291 of 2022 etc batch cases* dated 02.08.2024 has held that Section 77-A is unconstitutional. Thus, the registering authorities cannot invoke powers under Section 77-A of the Registration Act.

6. Such view of the matter, this writ petition cannot be entertained. It is for the petitioner to work out his remedy by approaching Civil Court as per law.

7. Accordingly, the writ petition stands dismissed. No costs.

02.08.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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N. SATHISH KUMAR, J.

dhk

To,

1.The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram
Chennai – 600 028

2.The District Registrar (Administration)
The Office of the District Registrar
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3.The Sub Registrar
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