



W.A.No.2410 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HON'BLE Mr. JUSTICE S.S.SUNDAR
AND
THE HON'BLE Dr. JUSTICE A.D.MARIA CLETE

W.A.No.2410 of 2024

N.Nirmala Devi

.. Appellant

Vs.

1.The Inspector General Registration
No.100, Santhome High Road
Mylapore, Chennai 600 004

2.The Deputy Collector (Stamps)
5th Floor, Singaravelar Maligai
Rajaji Salai, Chennai 600 001

3.The District Registrar (South)
District Registrar Office
Saidapet, Chennai

4.The Sub Registrar
Tambaram Sub Registrar Office
No.49, Sabai Colony
Sembakkam, Rajakilpakkam
Chennai 600 073

5.The Sub Registrar
Selaiyur Sub Registrar Office
No.49, Sabai Colony
Sembakkam, Rajakilpakkam
Chennai 600 073

.. Respondents



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Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 31.10.2023 passed by the learned Single Judge in W.P.No.21771 of 2023.

For Appellant : Mr.C.M.Mohanasundaram
For Respondents : Mr.B.Vijay
Additional Government Pleader

J U D G M E N T

(Delivered by S.S.SUNDAR, J.)

This appeal is directed against the order dated 31.10.2023 passed by the learned Single Judge in W.P.No.21771 of 2023, dismissing the writ petition filed by the appellant for issuance of a writ of mandamus directing the 2nd respondent to declare the sale deed bearing No.9158/2006 dated 12.10.2006 registered before the 4th respondent as lapsed as per the principle contemplated in Section 47(A3) of the Indian Stamp Act and for a direction to the respondents 4 and 5 to remove all endorsements pertaining to 47-A of the Indian Stamp Act created on the property in the sale deed document No.9158/2006 dated 12.10.2006 on the file of the respondents 4 and 5 based on the appellant's representation dated 23.12.2022.



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2. The appellant/writ petitioner filed a suit in O.S.No.918 of 2012 on the file of the Additional District Munsif Court, Alandur, for a declaration to declare the general Power of Attorney, *vide* document No.601/2004 dated 21.12.2004 and the sale deeds executed on the basis of the said Power of Attorney deed are all null and void. The said suit was decreed *ex parte* and the decree was also registered on 07.01.2015 *vide* document No.121/2015 before the SRO, Selaiyur. The appellant states that one more document which ought to have been declared void was not included in the said suit, as the said document was pending registration in view of pendency of the proceedings under Section 47 of the Indian Stamp Act, for undervaluation. Therefore, the appellant has filed the writ petition to declare the said sale deed dated 12.10.2006, which was registered as document No.9158/2006.

3. The learned Single Judge, dismissed the said writ petition on the ground that the subject document was not found in the decree and therefore, the contentions raised in the writ petition cannot be accepted. The learned Judge also held that the Registrar has no authority to declare the title or decide the civil dispute.



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4. If a document is held invalid, it is open to the appellant to raise her objections as to the validity of the document before any civil forum. However, the Registrar has no power to declare the validity of a document or to declare the document as invalid. Even when the appellant has filed a civil suit and got an *ex parte* decree, the Registrar can only register the decree and it is not for the Registrar to independently declare the validity of the document. This Court has elaborately held that the Registrar has no such powers either under Section 68(2) of the Indian Stamp Act or under any other provision. Recently, this Court has also struck down Section 77-A of the Registration Act, 1908, which was introduced by way of an amendment in 2022.

For the above reasons, this Court finds no merit in this writ appeal and this writ appeal stands dismissed. No costs.

[S.S.S.R.,J.] [A.D.M.C., J.]
25.10.2024

Index : Yes/No
Neutral Citation : Yes/No
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To
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