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W.P.No.21337 of 2024
& W.M.P.No.23296 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21337 of 2024
& W.M.P.No.23296 of 2024

S.Jayanthi

...

Petitioner

versus

1.The District Registrar (Admin),
Tindivanam,
Villupuram District.

2.The Sub-Registrar,
Vanur Sub-Registrar Office,
Vanur Taluk,
Villupuram District.

3.Rajivi

4.Muthukumar

5.Vivekananthan

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to proceed with the enquiry in Na.Ka.No.2265/A3/2024 dated 07.06.2024.



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For Petitioner : Mr.A.E.Ravi Chandran
For Respondent Nos.1 & 2 : Mr.M.Shajahan
Special Government Pleader

ORDER

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

2. This Writ Petition is filed to direct the first respondent to proceed with the enquiry in Na.Ka.No.2265/A3/2024 dated 07.06.2024.

3. The main grievance of the petitioner is that her husband was suffering from Schizophrenia and also locomotor disability. However, the petitioner's mother-in-law and brother had made an attempt to deal with the property. Hence, the petitioner was given a protest petition. Despite the same, the document has been registered. In this regard, she has also given an application to cancel the document. However, the same has not been proceeded.



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4. I have perused the entire materials. When the transaction is completed and executed, the Sub-Registrar has not raised any doubt about the mental unsoundness of the petitioner's husband and now invoking Section 77-A of the Registration Act to go into that aspect cannot be countenanced for the simple reason that whether a person is sound mind for the purpose of contracting is a matter of evidence.

5. Even a person who is usually of unsound mind, but occasionally of sound mind, may make a contract when he is of sound mind. Therefore, whether a person has a totally unsound mind and is not in a position to take a rational decision is a matter of evidence. It has to be established in a competent Civil Court. If the Court only finds on the evidence that the person entered into a contract was totally unsound, the document can be annulled.

6. In such view of the matter, such powers cannot be delegated to the registering authority by invoking Section 77-A of the Registration Act, 1908. Hence, I do not find any merits in the Writ Petition.



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

Consequently, connected Miscellaneous Petition is closed.

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01.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

1.The District Registrar (Admin),
Tindivanam,
Villupuram District.

2.The Sub-Registrar,
Vanur Sub-Registrar Office,
Vanur Taluk,
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N.SATHISH KUMAR, J.

sri

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01.08.2024