



WEB COPY



W.P.No.22371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05..06..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.22371 of 2023

Mrs.K.Rani

..... Petitioner

-Versus-

- 1.The Inspector General for Registration,
Office of the Registrar General,
Santhome High Road,
Mylapore, Chennai 600 028.
- 2.The Additional Inspector General for Registration,
Office of the Registrar General,
Chennai 600 028.
- 3.The Deputy Inspector General for Registration,
Chennai Zone,
Chennai 600 032.
- 4.The District Registrar,
North – Chennai,
Kuralagam, Chennai 600 108.
- 5.The Sub-Registrar,
Ambattur Registrar Office,
Ambattur, Chennai 600 053.
- 6.Muthulakshi,
W/o Kuppusamy,
Rep. By her Power Agent Mrs.Mallika,
residing at No.14, Periyar Nagar,
Ayanavaram, Chennai 600 023.



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7. Mrs. Mallika

8. Mrs. Punitha

9. Arasu Prakash

10. S.A. Paramasivam

11. Parangujam

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent in Na.Ka.No.3332/2021 dated 20.10.2022 and to quash the same and consequently direct the 3rd respondent to pass an order in the encumbrance certificate reversing the entry in respect of the document dated 07.09.2005 bearing Registration Number Doc.No.9441/2005 at the Sub Registrar's Office, Ambattur as per order issued by the Hon'ble High Court in W.P.No.10177 of 2021 dated 17.06.2021.

For Petitioner : Mr.M.Silambarasan

*For Respondent (s) : Mr.B.Vijay,
Addl. Government Pleader
for RR1 to 5*

*Ms.A.Vinupradha for RR6
to 9*

Mr.A.Jenasenan for R11

No appearance for R10



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ORDER

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This writ petition has been filed challenging the impugned order rejecting the application filed by the petitioner to cancel the sale deed dated 07.09.2005 registered as Doc.No.9441/2005 on the file of the 5th respondent which was executed by the respondents 6 to 10 in favour of 11th respondent.

2. The sale deed registered as Doc.No.9441/2005 on the file of the 5th respondent was sought to be challenged mainly on the ground that there was suppression of fact that probate was obtained from the Court.

3. The grievance of the petitioner is that though an application was submitted before the District Registrar in this regard, the District Registrar refused to entertain the same holding that dispute is pending in civil court. The appeal filed before the 1st respondent-Inspector General of Registration was also dismissed. Hence, the writ petition.

4. Heard both sides.

5. The petitioner had sought to challenge the sale deed registered in the year 2005 on the ground that there was suppression of material fact. Mere suppression of material fact, even such allegation assuming to be true, may not be a ground to cancel the sale deed already registered by the 5th respondent-Sub Registrar, Ambattur or by the 4th respondent District Registrar, North-Chennai.



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Such a power of cancellation was not vested in the District Registrar or any other official. The power to cancel document which is forged has been given only by way of inserting Section 77-A through Tamil Nadu Act and, that too, such power could be exercised either by the Registrar or Inspector General of Registration only in case where the registration of a document is made in contravention of section 22-A or section 22-B.

6. Further, Section 22-B deals with the forged instruments. Such being the position, merely a document is said to be a fraudulent transaction or any suppression of material fact among the parties cannot be cancelled or annulled by the registering authority. Such power could be exercised only by a civil court that too, based on proof of such facts which constitute the so-called suppression of material facts and fraud etc. Such view of the legal position, order dismissing the appeal preferred by the petitioner confirming the order passed by the 4th respondent rejecing the application of the petitioner for cancellation of the sale deed registered as Doc.No.9441/2015 does not call for any interference at the hands of this court. It is for the petitioner to work out his remedy before the civil court in the manner known to law. This writ petition fails and the same is liable only to be dismissed.

In the result, the writ petition is dismissed, however, with the above



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observation. No costs.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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N.SATHISH KUMAR.J.,

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