



WEB COPY



WP.No.22230 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.22230 of 2024
and W.M.P.No.24205 of 2024

1.Muniammal
2.Pakkiri
3.Venkatesan
4.Malliga

.. Petitioners

Versus

1.The Government of Tamil Nadu
Rep by its Secretary
Registration Department
Fort St.George
Chennai – 600 009

2. The Inspector General of Registration
100, Santhome High Road
Raja Annamalaipuram
Chennai – 600 028

3.The District Registrar (Administration)
in the Cadre of Deputy Inspector General of Registration
District Registrar Office
South Chennai, Nandhanam
Chennai – 600 035

4.The Sub Registrar
Sub Registrar Office
Velacherry, Chennai – 600 042

5.Parimala
6.Avinash

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents particularly the Sub Registrar, Velacherry, Chennai and the District Registrar (Administration) in the cadre of Deputy Inspector General of Registration District Registrar Office, Nandanam, Chennai - 600 035 respondents 3 and 4 herein to cancel the Registration of Sale Deed vide Doc No.3348/2021 and 3352/2021 dated 18.06.2021 on the file of the 4th respondent in respect of the petitioner property in Survey No.225/4B3, 120/1A1A1A1A, 119/2A3 at Ram Nagar, South 10th Main Road, Madipakkam, Chennai - 600 091 on the basis of the letter No.315/2024 dated 28.06.2024 issued by the 4th respondent and further direction to the 4th respondent to delete the entry of the sale deeds 3348/2021 and 3352/2021 from sale deeds the Registration Book No.I.

For Petitioner : Mr.K.Balakrishnan

For Respondents : Mr.Stalin Abhimanyu for R1 to R4
Additional Government Pleader

ORDER

This writ petition is filed directing the respondents 3 and 4 to cancel the registered sale deeds in Doc No.3348/2021 and 3352/2021 dated 18.06.2021 on the file of the 4th respondent in respect of the petitioner property in Survey No.225/4B3, 120/1A1A1A1A, 119/2A3 at Ram Nagar, South 10th Main Road,



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Madipakkam, Chennai - 600 091 on the basis of the letter No.315/2024 dated 28.06.2024 issued by the 4th respondent and further direction to the 4th respondent to delete the entry of the sale deeds from Book No.I.

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's father has executed power of attorney by coercion and suppressing the death of petitioner's father, the 6th respondent has obtained a bogus life certificate and executed the sale deeds. Hence, according to him, entire act is nothing but forgery and seeks direction to cancel those documents under Section 77-A of the Registration Act.

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*



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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 her remedy by approaching Civil Court as per law.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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To,

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N. SATHISH KUMAR, J.

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