



W.P.No.22481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22481 of 2024
and WMP Nos.24489 & 24490 of 2024

1. Rajkumar
2. Kamini Raj
both petitioners rep. by their Power Agent
Wg Cdr Selvaraj Raj, VM ... Petitioner
vs.

1. The District Registrar,
Government of Puducherry,
Ground Floor, Registration Department,
Kamaraj Salai, Sakthi Nagar,
Saram, Puducherry – 605 013.

2. The Inspector General of Registration,
Secretary (Revenue)-cum-IGR,
Office of the Chief Secretariat,
Goubert Avenue Beach Road,
Puducherry – 605 001.

3. The Sub-Registrar (Town),
O/o. District Registrar,
Registration Department, Kamaraj Salai,
Sakthi Nagar,
Puducherry – 605 013. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of



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order No.7056/DRORD/PP/2023/1001 dated 08.12.2023 passed by the 1st respondent and Order No.31224/DRDM/C3/Regn_Appeal/2024/1488 dated 08.03.2024 passed by the 2nd respondent and to quash the same and to further direct the respondents to cancel the Sale Deed in Document Doc.No.32960 of 2022 dated 07.10.2022 and also directing the respondents to jointly and severally pay to the petitioner a sum of INR 6,00,00,000 (Rupees Six Crores Only) or any other sum that this Court may fix as compensation.

For Petitioner : Mr.P.V.S.Giridhar, Sr. Advocate
for M/s.PVS Giridhar Associates

For Respondents : Mr.M.Nirmal Kumar
Government Advocate (Pondy)

ORDER

The Writ Petition is filed challenging the order passed by the respondents 1 and 2, refusing the request made by the petitioner to cancel the sale deed executed by one Mangalakshmi in favour of R.Kumaravel.

2. According to the petitioner, he obtained a specific performance decree against Mangalakshmi in O.S.No.151 of 1988 on the file of the learned Principal District Munsif, Puducherry dated 10.09.1990. In pursuance of the specific performance decree, he got the sale deed executed by the Court on 22.02.2019 and the same was registered as Document No.8282 of 2019 on the file of the District Registrar, Puducherry.



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Thereafter, the vendor of the petitioner, who suffered a decree for specific performance, sold the very same property to a third party R.Kumaravel under Sale deed dated 07.10.2022, registered as Sale Deed No.32960 of 2022. Therefore, the petitioner has sent a representation to 2nd respondent, seeking cancellation of the sale deed executed by his vendor, in favour of a third party, after execution of sale deed in favour of the petitioner.

3. The 2nd respondent negatived the request made by the petitioner, by relegating him to approach the civil Court for cancellation of the document. Aggrieved by the same, the petitioner preferred the appeal before the 1st respondent and the same was dismissed. Aggrieved by the same, the petitioner is before this Court.

4. The learned Senior Counsel appearing for the petitioner by taking this Court to Rule 114 of the Pondicherry Registration Rules, 1969 submitted that the registering authority on receipt of a communication from the revenue officer or from a Court intimating revocation, cancellation, rectification or modification of a registered document, can make a note of the same at the foot of the registration entry. In the case on hand, the sale



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deed executed by the vendor of the petitioner, who suffered a decree for specific performance, is not at all valid in the eye of law.

5. The learned senior counsel also submitted that on the strength of the said invalid sale deed, the purchaser filed a suit for bare injunction in O.S.No.125 of 2021 on the file of the learned II Additional District Munsif, Puducherry, against the petitioner. The petitioner after receipt of summons, filed an application for rejection of the plaint in I.A.No.87 of 2021 and the same was allowed on 03.11.2024. Therefore, the learned senior counsel for the petitioner submits that in view of the allowing of the petition to reject the plaint filed by the petitioner, taking note of the earlier specific performance decree and the recital in the documents executed by the civil Court, the respondents shall make a note of the same at the foot of the registration entry, by invoking Rule 114 of the Pondicherry Registration Rules.

6. It is seen from the affidavit filed in support of the Writ Petition and the perusal of typed set of papers, the petitioner seeks cancellation of the registration sale deed executed by his vendor Mangalakshmi in favour of R.Kumaravel, on the ground of fraud. The cancellation of the registered document can be done only by way of obtaining a decree from the civil



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Court. There is no enabling provision in the Registration Act, empowering the registering authority to cancel the registration on the ground of fraud. It is pertinent to note that there is no provision in Puducherry akin to Section 77-A introduced by Tamil Nadu Amendment. Even the said Tamil Nadu Amendment is struck down by this Court recently. Therefore, the request made by the petitioner for cancellation of the registered instrument, cannot be entertained by the respondents 1 and 2 and the same was rightly rejected by them.

7. As far as the submission made by the learned senior counsel for the petitioner that the respondents 1 and 2 can invoke Rule 114 of the Pondicherry Registration Rules and make a note of the rejection order is concerned, Rule 114 of the Pondicherry Registration Rules, only enables the registering authority to make an entry in the registered document on receipt of a communication from the Revenue Officer or Court about the revocation, cancellation, rectification or modification of earlier registered instrument.

8. In the case on hand, the respondents 1 and 2 have not received any communication either from the Revenue Officer or from the Court regarding



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cancellation, revocation, rectification or modification of the sale deed executed by Mangalakshmi in favour of R.Kumaravel. Therefore, Rule 114 of the Pondicherry Registration Rules, cannot be resorted to, in the case on hand, to make an entry regarding the validity or otherwise of the document.

9. Therefore, I do not find anything to interfere with the impugned order passed by the respondents 1 and 2. However, it is always open to the petitioner to seek registration of the order passed by the Civil Court allowing his petition i.e. I.A.No.87 of 2021, to reject the plaint filed by the purchaser in O.S.No.125 of 2021. With this liberty, the Writ Petition stands dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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