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W.P.No.25392 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25392 of 2024

1.K.Sankaran

2.K.Balasubramanian

..Petitioners

Vs.

1. The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram,
Chennai.

2. The District Registrar
Thiruvarur District
Thiruvarur-610 004.

2. The Sub-Registrar
Nannilam
Thiruvarur-612 601

4. Panchapakesan

5. Mrs.Padmapriya

6.Raghav

7.Smt.Rama

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to consider our representations dated 15.07.2024 and 05.08.2024 by conducting an enquiry to pass an appropriate order cancelling the Sale Deed dated 16.11.2023 registered as Doc.No.3063/2023, SRO Nannilam on the ground that the respondents 4 to 6 are not the absolute owners, in accordance with law within the time stipulated by this court

For Petitioners : Mr.A.S.Bhuvaneswaran

For Respondents 1 and 2 : Mr.M.Shahjahan
Special Government Pleader

ORDER

The petitioners herein seek a direction to 2nd respondent to consider their representations dated 15.07.2024 and 05.08.2024 by conducting an enquiry and pass appropriate order cancelling the Sale Deed dated 16.11.2023 registered as Doc.No.3063/2023, SRO, Nannilam.

2. It is the case of the petitioners that subject property covered under the sale deed referred above originally belongs to petitioners' grandfather one



Gopal Sastri and he had two sons namely G.Swaminatha Iyer and G.Krishnamoorthy Iyer. The petitioners are sons of said G.Krishnamoorthy Iyer. The private respondents 4 to 7 are legal heirs of petitioners' paternal uncle Swaminatha Iyer. The main grievance of the petitioners is that the respondents 4 to 7 executed a sale deed in favour of third parties in respect of above mentioned land as if they were absolute owners of the property ignoring the right of the petitioners. Therefore, the petitioners submitted a representation before the 2nd respondent seeking cancellation of the sale deed executed by the private respondents as if they were absolute owners of the property.

3.This Court in ***M.Kathirvel Vs The Inspector General of Registration*** in ***W.P.Nos.10291 of 2022 and batch***, struck down the Section 77A of Registration Act. Therefore, as on today, there is no provision in the Registration Act enabling the official respondents to cancel the registered document. In such circumstances, this Court is not inclined to issue any direction to respondents to consider the representation submitted by the petitioners seeking cancellation of registered document. Accordingly, the writ



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petition stands dismissed. However, it is open to the petitioners to work out their remedy before the competent Civil Court. No costs.

04.09.2024
(1/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram,
Chennai.
2. The District Registrar
Thiruvarur District
Thiruvarur-610 004.
2. The Sub-Registrar
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S.SOUNTHAR, J.

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