



W.A.No.2442 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Writ Appeal No.2442 of 2022
and
C.M.P.No.18913 of 2022

M/s.Signet Foundation,
A Partnership Firm,
Represented by its
Managing Partner
Mr.I.S.Haroon Baakshah,

... Appellant

Vs.

1.V.Balasubramani

2.The Inspector General of Registration,
No.100, Santhome Road,
Mylima Nagar,
Mandaivelipakkam,
Rajaannamalaipuram,
Chennai – 600 028.

3.The District Registrar (Central Chennai),
No.268, Bharathi Salai,
Express Estate, Royapettah,
Chennai – 600 014.



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4.The Sub Registrar,
Purasaiwalkam Sub-Registrar Office,
No.93/21, Bricklin Road,
Otteri, Purasaiwalkam,
Chennai – 600 010.

5.Uma Mageshwari

6.V.Parthasarathy

7.Sundaramoorthy ... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P.No.12190 of 2022 dated 06.05.2022.

For Appellant : Mr.R.Jayaprakash

For R2 to R4 : Mr.B.Vijay
Additional Government Pleader

For R1, R5 to R7 : No appearance

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM)

The order dated 06.05.2022 passed in W.P.:No.12190 of 2022 is subjected to the present writ appeal.

2. The 7th respondent in the writ proceedings, is the appellant before us. The 1st respondent/V.Balasubramani filed a writ petition seeking a



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direction to the respondents 1 to 3 to consider and pass order on his representation dated 25.09.2021. The representation reveals that he made a request to the District Registrar to cancel the forged Sale Deed dated 07.01.2021 registered as Document No.65 of 2021 at Sub-Registrar Office, Purasaiwalkam and the consequential Rectification Deed dated 02.03.2021 registered as Document No.1478 of 2021 at Sub-Registrar Office, Purasaiwalkam executed by the respondents 4 to 6 in the writ petition in favour of the appellant/Partnership Firm herein.

3. The Writ Court has issued a direction to the District Registrar to consider the representation submitted by the 1st respondent.

4. We are on the limited issue whether the District Registrar during the relevant point of time had powers to cancel the Sale Deed executed under the provisions of the Registration Act. Section 77-A and 77-B was inserted by TN 41 Act of 2022 with effect from 16.08.2022. Prior to the insertion of 77-A, the District Registrar had no powers to conduct an enquiry and cancel the registered Sale Deed. The Circular No.67 issued by the Government also had been withdrawn. In the absence of any powers conferred under the

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Registration Act to the District Registrar to cancel the Sale Deed, direction issued to consider the representation would do no service to the cause of justice. Thus, the parties are to be relegated to approach the Civil Court of law for cancellation of Sale Deed registered prior to 16.08.2022. An application under Section 77-A is entertainable prospectively from the date of insertion of Section 77-A with effect from 16.08.2022.

5. Mr.R.Jayaprakash, learned Counsel for the appellant/Partnership Firm brought to the notice of the Court that a Civil Suit has already been instituted in O.S.No.4839 of 2021 on the file of 7th Additional City Civil Court, Chennai and a criminal case was also registered in Crime No.87 of 2022 on the file of CCB, Chennai.

6. In view of the fact that the District Registrar during the relevant point of time, when the Sale Deed was registered in the present case had no jurisdiction or powers to cancel the Sale Deed, a direction issued to consider the representation cannot be implemented.



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7. Therefore, we are inclined to interfere with the order under challenge. Consequently, order dated 06.05.2022 passed in W.P.No.12190 of 2022 is set aside. The appellant/Partnership Firm and the private respondents are at liberty to establish their rights before the Civil Court in the manner known to law.

8. Accordingly, this Writ Appeal stands **allowed**. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S.J.] [K.R.S.J.]
20.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To
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