



WEB COPY



W.P.No.30973 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.30973 of 2024
and
W.M.P.No.33584 of 2024

1.Selvi

2.Saradhamani

... Petitioners

VS.

1.The Inspector General of Registration Department,
Santhome Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar,
District Registrar Office,
Tiruppur.

3.The Sub-Registrar,
Avinashi Taluk,
Tiruppur District.

4.Alamelu

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider Petitioners representation dated 30.04.2024 and direct the 1 to 3 Respondents to take proper action within a stipulated time fixed by this Court.

For Petitioner : Mr.CH.Mohith Sai

For R1 to R3 : Mr.M.Shahjahan
Special Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents 1 to 3, this writ petition is disposed of at the admission stage itself.

2. The petitioners herein seek a direction to the respondents to consider her representation dated 30.04.2024.

3. It is the case of the petitioners that they executed a Power Deed in favour of one K.Srinivasan on 25.11.2010 in respect of subject property.



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Later, the Power Agent executed a Sale Deed in favour of his wife on 28.12.2010. Subsequently, the Power Agent's wife executed a Settlement Deed in favour of said K.Srinivasan on 20.01.2014. Thereafter, the above said K.Srinivasan died on 01.10.2020. After acquiring knowledge about the transaction of petitioners' Power Agent, they submitted a representation dated 30.04.2024 before the respondents 1 to 3 seeking cancellation of registered document executed by the petitioners' Power Agent. The same has not been considered by the respondents 1 to 3. Hence, the petitioners are before this Court.

4. In view of the order passed by the Division Bench of this Court in ***M.Kathirvel vs. The Inspector General of Registration*** (W.P.No.10291 of 2022 etc., batch, dated 02.08.2024), Section 77A of the Registration Act, 1908, which enabled the Official Respondents to cancel the registered document on the ground of fraud was struck down. Therefore, as on today, there is no enabling provision empowering the Official Respondents to cancel the registered document.



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5. In such circumstances, this Court is not inclined to issue any direction to the respondents 1 to 3 to consider the request of the petitioners.

6. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioners to workout their remedy before the Civil Court in the manner known to law. No costs. Consequently, the connected writ miscellaneous petition is closed.

23.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

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