



WEB COPY

W.P.No.26867 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.26867 of 2024
and
WMP.No.29386 of 2024

S.Azharudeen

...Petitioner

Vs.

The Inspector General of Registration and Stamps,
Office of the Inspector General,
Santhome High Road, Mandhaveli Kupparam,
Pattinapakam, Chennai - 600 028.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to pass appropriate orders on the petitioner's representation dated 01.08.2024 in compliance of the Provisions of the Tamil Nadu Registration Act, and the Government Orders pertaining to registration of fraudulent document on merit, within a time frame to be fixed by this Court.

For Petitioner : M/s. Chennai Law Associates
for M/s. K.Subhashini

For Respondent : Mr.M.Shahjahan



WEB COPY

W.P.No.26867 of 2



Special Government Pleader

ORDER

The petitioner herein seeks a direction to the respondent to consider his representation dated 01.08.2024 pertaining to Registration of fraudulent settlement deed alleged to have been executed by the petitioner's father, and pass appropriate orders, within a time frame to be fixed by this court.

2. By consent of both the learned counsel appearing for the petitioner as well as respondent, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that his father Sarbudeen aged about 63 years, is suffering from Neurological problem and hence at the relevant time he was incapable of executing a document. However, taking advantage of his illness, his brother Jainudeen got a settlement deed in his favour and registered it, with the help of the Sub Registrar, Radhapuram. It is further stated by the petitioner that the settlement deed alleged to have been executed by his father got registered by the Sub Registrar in the residence at Door No.1/44D, Pallivasal Street, Chettikulam, Thirunelveli, where the petitioner's father is currently living, without taking into consideration the mental incapacity of his



father. Therefore, the petitioner submitted a representation to the respondent on 01.08.2024 seeking declaration that the settlement deed dated 19.07.2024 alleged to have been executed by his father, registered as document No.2894/2024 on the file of the SRO, Radhapuram, shall be declared as void document. The petitioner also sought for initiation of prosecution against the persons who involved in the execution of the fraudulent document. However, the said representation has not been considered till date. Therefore, the petitioner is 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*** in W.P.Nos.10291 of 2022 and batch, striking down Section 77 (A) of the Registration Act, which enabled the registering Authority to cancel the registered document on the ground of fraud, as on today, the Registering Authority has no power to cancel the documents, which were already registered.

5. In such circumstances, the prayer sought for in this Writ Petition cannot be entertained and accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to workout his remedy before the Civil Court. In case, the petitioner is able to establish the fraud before the Civil Court, it is always open to him to approach the respondent seeking



W.P.No.26867 of 2

appropriate action on the basis of the Civil Court's decree. No costs.

Consequently, connected Miscellaneous Petition is closed.

WEB COPY

18.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
av

To

The Inspector General of Registration and Stamps,
Office of the Inspector General,
Santhome High Road, Mandhaveli Kuppam,
Pattinapakkam, Chennai - 600 028.



WEB COPY



W.P.No.26867 of 2

S. SOUNTHAR, J.

av

W.P No.26867 of 2024

18.09.2024