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W.P No.26947 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26947 of 2024

D.Arulmani

...Petitioner

Vs.

1.The Deputy Inspector General of Registration
Office of the Deputy Inspector General of Registration
Penpettai, Nandhanam, Chennai 600 035.

2.The District Registrar of Administration (I/C)
Kancheepuram, Kancheepuram District.

3.P.G.Rajan

4.R.Sargunam

5.R.Parimalam

6.R.Karthikeyan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to dispose the appeal filed by the petitioner on 10.03.2023, within a stipulated time as this Court may fixes.



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For Petitioner : Ms.R.Hemalatha

For Respondents : Mr.M.Shah Jahan for R1 & R2
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the first respondent to dispose of the appeal filed by the petitioner dated 10.03.2023, within a time frame fixed by this Court.

2. The petitioner herein filed an application before the second respondent seeking cancellation of bogus documents pertains to S.No.389/2 in Sevilimedu Village, Kancheepuram District. The application filed by the petitioner was rejected by the District Registrar on the ground that he was not empowered to go into the question of title and required the petitioner to go before the Civil Court. Aggrieved by the same, the petitioner preferred an appeal before the first respondent and there is no progress in the appeal. Therefore, the petitioner is before this court.

3. Section 77-A of the Registration Act, which enabled the



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Registering Authority to cancel the registered document, has been struck down by the judgment in *M.Kathirvel Vs The Inspector General of Registration* in W.P.Nos.10291 of 2022 and batch. In view of the same, the respondents 1 & 2 are having no power to cancel the registered document.

4. In such circumstances, the request of the petitioner made before the second respondent was rightly rejected by the second respondent and the first respondent has no power to pass an order of cancellation of registered document. In such circumstances, this Court is not inclined to give any direction to the first respondent. It is for the petitioner to workout his remedy before the Civil Court. Accordingly, the Writ Petition is dismissed. No costs.

19.09.2024

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

To



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S.SOUNTHAR, J.

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