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WP.No.28583 of 2024

In the High Court of Judicature at Madras

Dated : 21.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.28583 of 2024

1.V.Balakrishnan
2.B.Mahalakshmi
3.Sriprabhu

...Petitioners

Vs

1.The Inspector General of
Registration, 100, Santhome
High Road, Chennai-28.

2.The District Registrar
(Administration), Coimbatore
District, Coimbatore.

3.V.Srinivasan
4.N.Ravichandran
5.Prabhakaran
6.Ramasamy

7.The Sub-Registrar, Ganapathy,
Coimbatore.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent by proceedings in Na.Ka.No.518/12700/E2/2022 dated 17.2.2023, quash the same and consequently direct the 7th respondent to delete the entires of the cancellation of the sale deed bearing No.2515/2006 dated 07.2.2006, the settlement deeds bearing Nos.5629/2013 dated 25.9.2013 and 5630/2013 dated 25.9.2013, the rectification deed bearing No.6614/2013 dated



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18.11.2013 and the power of attorney bearing No.6615/2013 dated 18.11.2013 with respect to the land to an extent of 2.23 acres comprised in S.F.No 83 in Ganapathy Village, Coimbatore.

For Petitioners	:	Mrs.Chitra Sampath, SC for Mr.D.K.Mithelesh
For R1, R2 & R7	:	Mr.P.Harish, GA
For R3	:	Mr.V.Jayachandran
For R4	:	Mr.S.Rajmakesh
R5	:	Not ready in notice
R6	:	Served and no appearance

ORDER

Challenging the proceedings dated 17.2.2023, in and by which, the second respondent cancelled (i) the sale deed dated 07.2.2006 registered as doc.No.2515 of 2006, (ii) the two settlement deeds both dated 25.9.2013 registered as doc.Nos.5629 and 5630 of 2013, (iii) the rectification deed dated 18.11.2013 registered as doc.No.6614 of 2013 and (iv) the power of attorney deed dated 18.11.2013 registered as doc.No.6615 of 2013, all on the file of the seventh respondent and to issue a consequential direction to the second respondent to delete the entries of cancellation in respect of the said documents with reference to the property measuring 2.23 acres in S.No.83, Ganapathy Village, Coimbatore, the petitioners are before this Court.



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2. Heard the learned counsel for the petitioners and the respective learned counsel appearing for the contesting respondents.

3. The case of the petitioners is as follows :

(i) Out of large extent of 4.47 acres, the first petitioner purchased the property measuring 2.23 acres comprised in S.No.83, Ganapathy Village, Coimbatore (hereinafter referred to as the said property) vide sale deed dated 07.2.2006 registered as doc.No.2515 of 2006 on the file of the seventh respondent from one Mr.A.Palanisamy for a valid sale consideration. Since then, the petitioners are in possession and enjoyment of the said property. The first petitioner executed two settlement deeds both dated 25.9.2023 registered as doc.Nos.5629 and 5630 of 2013 on the file of the seventh respondent in favour of petitioners 2 and 3 respectively, who are none other than his wife and son. Subsequently, the first petitioner executed the rectification deed dated 18.11.2013 in favour of his wife - the second petitioner registered as doc.No.6614 of 2013 on the file of the seventh respondent. On the same day, the wife of the first petitioner executed a general power of attorney registered as doc.No.6615 of 2013 on the file of the seventh respondent in favour of the petitioner. Thereafter, the revenue records were also mutated in the names of petitioners 2 and 3.



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(ii) The predecessors in title of the petitioners had acquired right, title and interest in the said property and the other properties by various deeds. While so, without any right or title over the said property, one Mr.R.Krishnasamy, S/O Ramana Gounder executed certain bogus documents in favour of others by impersonating the vendor of the petitioners as if the said Mr.A.Palanisamy executed the release deeds in the year 1981 in favour of Ms.Lakshmi, Mr.Ramasamy and M/s.Sri Sai Lakshmi Textiles rep.by Mr.P.G.Venkatesh and Mr.K.R.Jaganathan. The subsequent purchasers from them also sold some extent to various other persons including the third respondent, who is stated to have purchased 24 cents.

(iii) On coming to know of these, the first petitioner filed a complaint before the second respondent, pursuant to that, the release deeds stated to have been executed by the said Mr.A.Palanisamy in favour of the said Ms.Lakshmi and the said Mr.Ramasamy were cancelled vide proceedings dated 29.9.2012 and 05.10.2018 respectively. Further, the release deed executed in favour of the said Mr.P.G.Venkatesh and the said Mr.K.R.Jaganathan was declared as a fraudulent document vide proceedings dated 14.3.2022.

(iv) In the meantime, the third respondent filed a complaint dated 17.1.2022 before the second respondent. After the Notification of the Amendment Act, the third respondent also filed another



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complaint dated 10.10.2022 before the second respondent. Further, the fourth respondent filed complaints dated 10.8.2022 and 23.1.2023 before the second respondent. To the said complaints, the petitioners gave a detailed reply. However, without considering their reply, the second respondent passed the impugned order cancelling the documents. Though the petitioners filed an appeal before the first respondent and it was taken on file, in view of striking down of Section 77A of the Registration (Tamil Nadu Second Amendment) Act, 2021 by a Division Bench of this Court, the petitioners have invoked the jurisdiction of this Court by filing this writ petition.

4. Heard Mrs.Chitra Sampath, learned Senior Counsel appearing on behalf of Mr.D.K.Mithelesh, learned counsel on record for the petitioners, Mr.P.Harish, learned Government Advocate appearing for respondents 1, 2 and 7, Mr.V.Jayachandran, learned counsel appearing for the third respondent and Mr.S.Rajmakesh, learned counsel appearing for the fourth respondent.

5. In the light of the judgment of a Division Bench of this Court in the case of ***M.Kathirvel Vs. Inspector General of Registration, Department of Registration and Others [reported in 2024 (4)***



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CTC 769], the impugned order cannot be sustained. The Division Bench has held Section 77A of the Registration Act to be unconstitutional. It is exercising the powers under this Section that the impugned order was passed.

5. Accordingly, the writ petition is allowed and the impugned order dated 17.2.2023 cancelling the (i) the sale deed dated 07.2.2006 registered as doc.No.2515 of 2006, (ii) the two settlement deeds both dated 25.9.2013 registered as doc.Nos.5629 and 5630 of 2013, (iii) the rectification deed dated 18.11.2013 registered as doc.No.6614 of 2013 and (iv) the power of attorney deed dated 18.11.2013 registered as doc.No.6615 of 2013, all on the file of the seventh respondent, is set aside. Further, a consequential direction is issued to the second respondent to delete the entries of cancellation in respect of the said documents with reference to the property measuring 2.23 acres in S.No.83, Ganapathy Village, Coimbatore. No costs.

21.12.2024

To
1.The Inspector General of
Registration, 100, Santhome
High Road, Chennai-28.



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2.The District Registrar
(Administration), Coimbatore
District, Coimbatore.

3.The Sub-Registrar, Ganapathy,
Coimbatore.

RS



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P.T.ASHA,J

RS

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