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W.P.No.28989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.28989 of 2024

S.Amuthan
...Petitioner

Vs.

1. The District Registrar,
Office of the District Registrar,
Chennai North, NSC Bose Road,
Kuralagam, Chennai - 600 108.
2. The Sub Registrar,
Office of the Sub Registrar,
Madhavaram, Madhavaram,
Chennai - 600 060.
3. Hari Krishnan
(Impersonated as M.Sundharam)
4. S.Amutha
...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 conduct an overt enquiry by disposing the representation dated 22.08.2023 by the petitioner in accordance with law and pass any orders or directions or such other orders as this Court may deem fit and property in the circumstances of the case.



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For Petitioner : Mr.E.Udayachander
For R1 & R2 : Mr.M.Shahjahan
Special Government Pleader

ORDER

The petitioner herein seeks a direction to conduct an overt enquiry to dispose of the representation dated 22.08.2023 before the first respondent seeking cancellation of the registered document in document No.8061 of 2018.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents 1 & 2, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that the property stands in the name of his father has been sold by the respondents 3 and 4 by impersonation. Therefore, the petitioner submitted a representation seeking cancellation of the said document and the same has not been considered till date. Therefore, the petitioner is before this Court.



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3. Heard both sides and perused the documents enclosed in the typed set of papers.

4. This court is of the opinion that the official respondents have no power to cancel any registered document, in the light of the judgment rendered 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. Hence, 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. No costs.

03.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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S. SOUNTHAR, J.

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To

1. The District Registrar,
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2. The Sub Registrar,
Office of the Sub Registrar,
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