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W.P.No.29004 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.29004 of 2024

P.Dhinakaran

... Petitioner

VS.

1.The Inspector General of Registration,
No. 100, Santhome Highway,
Pattianampakkam,
Chennai 600-028.

2.The District Registrar (Admin),
Office of the District Registrar,
Thiruppathur,
Thiruppathur District.

3.The Revenue Divisional Officer,
Office of the R.D.O.,
Thiruppatur,
Thiruppatur Taluk & District.

4.Shanmugam

5.R.M.Parani Babu

... Respondents



W.P.No.29004 of 2024

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the Impugned Order in No. 06472/U2/2023 dated 01.04.2024 on the file of the 1st Respondent and quash the same and consequently direct the 2nd Respondent to cancel the illegal and void Documents bearing Registration Nos.519 of 1984 dated 05.06.1984 and Document No.840 of 1994 dated 22.11.1994, both are on the file of S.R.O. Natrampalli, Thirupattur District, based on the order passed in W.P.No. 11510 of 2022 dated 15.11.2023 and also the judgment delivered in W.A.No. 624 of 1988 dated 22.01.1991 of this Court and also based on the judgment delivered by the Apex Court of India in Civil Appeal No. 6743 of 2012 dated 20.09.2012, within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.Arokiamaniraj
For R1 to R3 : Mr.B.Vijay
Additional 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.



W.P.No.29004 of 2024

WEB COPY

2. Aggrieved by the order passed by the 1st respondent confirming the order passed by the 2nd respondent dismissing the application filed by the petitioner seeking cancellation of registered Sale Deeds in Document No.519 of 1984, dated 05.06.1984 and Document No.840 of 1994, dated 22.11.1994, the petitioner has come before this Court.

3. It is the case of the petitioner that the property covered by the above mentioned Sale Deeds were originally assigned in favour of the petitioner by one Sengaan. The said land was classified as 'Depressed Class Land'. The petitioner's grandfather Chinnapaiyan purchased the above mentioned property from Sengaan on 26.08.1977 vide Document No.2784 of 1977. The petitioner claims that thereafter violating the terms of assignment, the property was sold by petitioner's grandfather to 4th respondent herein and subsequently, the 4th respondent sold it in favour of 5th respondent under the above mentioned documents.

4. The learned counsel appearing for the petitioner vehemently contended that the sales effected by petitioner's grandfather and the 4th



W.P.No.29004 of 2024

respondent were against the condition of assignment, therefore, both the documents are fraudulent documents.

5. The request of the petitioner was rejected by the 2nd respondent on the ground that the above mentioned documents were registered by following the law that prevailed on the date of registration and there is nothing to cancel the documents. The said order was passed by the 2nd respondent was confirmed by the 1st respondent.

6. Section 77A of the Registration Act, 1908, is the only provision which enabled the respondents 1 and 2 to cancel the registered document on the ground of fraud. 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) struck down Section 77A of the Registration Act. Therefore, as on today, there is no enabling provision empowering the respondents 1 and 2 to cancel the registered document.

7. In such circumstances, the application made by the petitioner before the 2nd respondent was rightly dismissed by him. This Court does not



W.P.No.29004 of 2024

find any error in the impugned orders. However, it is open to the petitioner to workout his remedy before the Competent Civil Court or any other Competent Authority.

8. Accordingly, the Writ Petition stands dismissed. No costs.

04.10.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dm

To

1. The Inspector General of Registration,
No. 100, Santhome Highway,
Pattianampakkam,
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2. The District Registrar (Admin),
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WEB COPY



W.P.No.29004 of 2024

S.SOUNTHAR, J.

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W.P.No.29004 of 2024

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