



W.P. No.30722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P. No.30722 of 2024

Anjalai

... Petitioner

Vs.

- 1.The Principal Secretary and Commissioner,
Land Administration,
Chepauk, Chennai-600 005.
- 2.District Collector,
Office of District Collectorate,
Tindivanam Taluk, Vilupuram District.
- 3.District Revenue Officer,
Tindivanam Taluk, Vilupuram District.
- 4.Revenue Divisional Officer,
Tindivanam Taluk, Vilupuram District.
- 5.The Tahsildar,
The Office of Tahsildar,
Tindivanam Taluk, Vilupuram District.
- 6.The District Registrar,
The Office of District Registrar,
Tindivanam.
- 7.The Sub-Registrar,
The Office of Sub-Registrar, Avaraipakkam, Avaraipakkam.



W.P. No.30722 of 2024

8.Jainullabudin

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9.A.Dhakshinamoorthy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the Respondent 6 and 7 to cancel the two sale deeds dated 13.05.2019 registered as Document No.1176 of 2019 in the office of Sub-Registrar Avaraiapakkam, Tindivanam and sale deed dated 22.08.2022 registered as Document No.2793 of 2022 in the office of Sub-Registrar Avaraiapakkam, Tindivanam and direct the Respondents 2 to 5 to grant patta in petitioner's name based on petitioner's representation dated 02.05.2024.

For Petitioner : Mr.A.Ashok Kumar
for Mr.P.Satheesh Kumar

For Respondents : Mr.M.Shahjahan
Special Government Pleader (for R1 to R7)

ORDER

The petitioner herein seeks direction to the Respondents 6 and 7 to cancel two sale deeds dated 13.05.2019 and 22.08.2022 registered on the file of Sub-Registrar, Avaraiapakkam, Thindivanam Taluk by considering his representation dated 02.05.2024.

2. It is the case of the petitioner that the above mentioned property was acquired by the petitioner herein under sale deeds dated 01.12.1997 and 21.03.2000. Taking advantage of the petitioner's illiteracy, the 8th defendant got



W.P. No.30722 of 2024

a sale deed executed in his favour on 13.05.2019. Subsequently, the 8th Respondent sold the subject property in favour of the 9th Respondent on 22.08.2022. It is the specific case of the petitioner that sale deed executed by her in favour of 8th Respondent on 13.05.2019 was not out of her own volition and the same was obtained by undue influence employed by the 8th Respondent. Therefore, the petitioner submitted a representation on 02.05.2024 before the Respondents 2, 5 and 7 seeking cancellation of the sale deed executed by the petitioner in favour of the 8th Respondent and also cancellation of the subsequent sale deed executed by the 8th Respondent in favour of the 9th Respondent, the same has not been considered and hence this petition has been filed before this Court.

3. The learned Special Government Pleader who takes notice for Respondents 1 to 7 would submit that the official Respondents are not having any power to cancel the registered documents and hence the request of the petitioner cannot be considered.

4. In view of the order passed by the Division Bench of this Court in ***M.Kathirvel vs. The Inspector General of Registration*** reported in **Manu/TN/4032/2024**, striking down Section 77-A of Registration Act, which



W.P. No.30722 of 2024

enabled official respondents to cancel fraudulent document, as on today there is no provision in Registration Act enabling the official respondents to cancel registered documents assuming those documents were forged or fraudulent.

5. Under such circumstances, this Court is not inclined to issue any positive direction to the Respondents to consider the representation of the petitioner seeking cancellation of the registered documents. However, it is open to the petitioner to work out her remedy before the Civil Court in the manner known to law.

6. Accordingly, this writ petition stands dismissed. No costs.

21.10.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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W.P. No.30722 of 2024

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W.P. No.30722 of 2024

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mka

W.P. No.30722 of 2024

21.10.2024