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W.P.No.29674 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.29674 of 2024

R.Renuka

...Petitioner

Vs.

1. The District Registrar,
Office of the District Registrar,
Tambaram, Chennai.
2. The Sub Registrar,
Office of the sub Registrar,
Pallavaram, Chennai.
3. Mrs.Sakunthala
4. Baburaj
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to conduct an enquiry and pass a final order on the basis of the written representation made by the petitioner on 26.07.2024, within a stipulated time as this Court.

For Petitioner : Mr.M.Prabakaran

For R1 & R2 : Mr.B.Vijay
Additional Government Pleader



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ORDER

The petitioner herein seeks a direction to the respondents 1 and 2 to conduct an enquiry and pass final order, based on the representation dated 26.07.2024 submitted by her.

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 she owned a house site measuring an extent of 2120sq.ft. situated at Town survey no.30, Block No.11, Ward No.B, Survey No.348, Vembuliamman Kovil Street, 3rd Street, Jameen Pallavaram Village, Pallavaram, Chennai. Originally, the said property was belonged to her husband, who executed a settlement deed in favour of the petitioner in the year 2020. The petitioner's husband was affected by covid-19 and in order to meet his medical expenses, the petitioner obtained a loan for a



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sum of Rs.7 lakhs from the third respondent. Despite the treatment, the petitioner's husband died. Since the petitioner could not pay the amount, she executed a mortgage deed bearing Doc.No.10238 of 2022 dated 10.09.2022 in favour of the third respondent in respect of the above mentioned property. In the year 2023, she came to know through the encumbrance certificate that the third respondent under the guise of getting a mortgage deed, got executed a settlement deed in her favour in respect of the above mentioned property. Subsequently, the third respondent executed a settlement deed in favour of fourth respondent on 19.12.2022. Therefore, the petitioner submitted a representation before the first respondent on 26.09.2024 seeking cancellation of the settlement deeds dated 10.09.2022 and 19.11.2022 and the same has not been considered till date. Therefore, the petitioner is before this Court.

4. In view of the order passed by the Division Bench of this Court 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, as on today, the Registering Authority has no power to cancel the documents, which were already registered.



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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 her remedy before the Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

14.10.2024

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

1. The District Registrar,
Office of the District Registrar,
Tambaram, Chennai.
2. The Sub Registrar,
Office of the sub Registrar,
Pallavaram, Chennai.



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S. SOUNTHAR, J.

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