



WEB COPY



W.P.No.30423 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.30423 of 2024

1.R.Selvakumar

2.S.Dhanakesavan

3.S.Sudharsan

... Petitioners

VS.

1.The Inspector General of Registration No. 100,
Santhome High Road, Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar
Office of the Registration
Department No.63 A, Perumal
Koil Street,
Near ICICI Bank Tindivanam,
604 001.

3.The Sub Registrar
Office of the Sub Registrar
Vanur, Mayilam Pandi Road,
Tindivanam Taluk,
Villupuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



W.P.No.30423 of 2024

India, to issue a Writ of Mandamus, directing the Respondents herein more particularly the 3rd Respondent herein Viz., the Sub Registrar, Office of the Sub Registrar, Vanur, Villupuram District to consider their Representation dated 01.03.2024 forthwith in cancelling the Release Deed executed by them in favour of the said Vani bearing Document No.1008/2024 at the office of the Sub Registrar, Vanur, Villupuram District.

For Petitioners : Mr.M.R.K.Senthilkumaran

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

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

2. The petitioners herein seek a direction to the respondents to consider their representation dated 01.03.2024 seeking cancellation of the Release Deed executed by them in favour of one A.Latha (wrongly mentioned as Vani in the prayer).

3. It is the case of the petitioners that the subject property was original



W.P.No.30423 of 2024

belonged to one Ramadoss. After his death, it devolved on his 7 children including the above said A.Latha. The petitioners are claiming right under deceased Vani, who is one of the daughter of above said Ramadoss. It is the further case of the petitioner that A.Latha approached petitioners and obtained a Release Deed in her favour. In the document, the consideration was mentioned as Rs.1,12,500/- instead of actual value of Rs.12,00,000/-. When it was questioned by the petitioners, they were made to believe that the amount would be paid later and by making a hollow promise, the petitioners made to sign the document. Therefore, the petitioner submitted a representation dated 01.03.2024 seeking cancellation of Release Deed executed by them in favour of A.Latha.

4. In view of the decision of 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), striking down Section 77A of the Registration Act, 1908, which enabled the Registering Authority to cancel the registered document on the ground of fraud is no longer available. Therefore, the respondents are not entitled to consider the request of the petitioners to cancel the registered document. In such circumstances, this



W.P.No.30423 of 2024

Court is not inclined to issue any direction to the respondents. However, it is open to the petitioners to workout their remedy before the Civil Court in the manner known to law.

5. With the above observation, the Writ Petition stands dismissed. No costs.

18.10.2024
(2/2)

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



W.P.No.30423 of 2024

To

WEB COPY

- 1.The Inspector General of Registration No. 100,
Santhome High Road, Raja Annamalaipuram,
Chennai – 600 028.
- 2.The District Registrar
Office of the Registration
Department No.63 A, Perumal
Koil Street,
Near ICICI Bank Tindivanam,
604 001.
- 3.The Sub Registrar
Office of the Sub Registrar
Vanur, Mayilam Pandi Road,
Tindivanam Taluk,
Villupuram District.



WEB COPY



W.P.No.30423 of 2024

S.SOUNTHAR, J.

dm

W.P.No.30423 of 2024

18.10.2024
(2/2)