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W.P.No.29722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.29722 of 2024

K.Shankar

...Petitioner

Vs.

The State represented by

1.The District Registrar

South Chennai District Registrar Office

Nandhanam, Chennai 600 035.

and Now the District Registrar

Tambaram.

2.The Sub-Registrar

Pallavaram Sub Registrar Office

Pallavaram Chennai.

3.N.Leelavathi

4.T.Duraikannu

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to dispose of the petitioner representation dated 13.06.2023 for removing fraudulent entry from the encumbrance certificate before the Sub Registrar Office at Pallavaram in the petitioner property in Old Survey No.204/7, New Survey No.204/7B, Old



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Patta No.435, TSLR Ward No:C, Block No.25, Town Survey No.8/2, measuring about 25 cents, after land acquisition the property owner is having 21 cents, by the respondents, within a time frame as may be fixed by this Court.

For Petitioner : Mr.J.Chandran Sundar Sashikumar
for Mr.P.Arumugam

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

ORDER

The petitioner herein seeks a direction to the respondents to consider his representation dated 13.06.2023 seeking removal of fraudulent entry in the encumbrance certificate pertains to the property situated in Old S.No.204/7 New S.No.204/7B at Zamin Pallavaram Village, Chengalpattu District, Pallavaram Circle.

2. It is the case of the petitioner that the above mentioned property belong to him and one Revathi. However, the private respondents 3 & 4 without any right executed fraudulent document and registered the same on the file of the second respondent in Doc.No.644/1998, 1100/1999 and 2111/2000. The petitioner herein claims that those documents were executed by playing



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fraud. Therefore, he submitted a representation before the first respondent on 13.06.2023 seeking cancellation of registered document by exercising power under Section 77-A of the Registration Act.

3. 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, as on today, the respondents 1 & 2 are not having any power to consider the question of fraud and cancel the registered document on the ground of fraud. In view of the same, this Court is not inclined to pass any positive direction to the respondents 1 & 2 to consider the representation of the petitioner.

4. Accordingly, this Writ Petition is dismissed. It is open to the petitioner to workout his remedy before the Civil Court in the manner known to law. No costs.

04.10.2024

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

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To

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and Now the District Registrar
Tambaram.

2.The Sub-Registrar
Pallavaram Sub Registrar Office
Pallavaram Chennai.

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