



W.P.No.32234 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.32234 of 2024

A.R.Thangaraj

... Petitioner

VS.

1.The District Registrar,
Office of District Registrar,
Krishnagiri & District.

2.The Sub-Registrar,
Royakottai Sub Registrar Office,
Thenkanikottai Taluk,
Krishnagiri District.

3.Valliammal @ Valli

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to cancel the illegal sale deed dated 26.03.2009 bearing Doc.No.506/2009 standing in the name of 3rd respondent as per petitioner's representation dated 21.08.2024.

For Petitioner : Mr.M.Thamizhavel



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For R1 and R2 : Mr.M.Shahjahan
Special Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents 1 and 2, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the 1st respondent to cancel the Sale Deed dated 26.03.2009 bearing Document No.506/2009 stands in the name of 3rd respondent by considering his representation dated 21.08.2024.

3. It is the case of the petitioner that he purchased 3 acres 64 cents of land in S.No.225/1 in Nellur Village, Thenkanikottai Taluk, Rayakottai Sub Registry, Krishnagiri District, under a registered Sale Deed dated 27.11.2006 from R.K.Ethiraj and his two sons namely Dinesh Kumar and Mahesh Kumar. Subsequently, suppressing the sale in favour of the



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petitioner, the above said R.K.Ethiraj sold the portion of the property namely 2.93 acres of land in the very same survey number in favour of 3rd respondent herein under a registered Sale Deed dated 26.03.2009.

4. It is the further case of the petitioner that the above said R.K.Ethiraj has no right to convey the portion of the property already sold to the petitioner by anterior document. Therefore, the petitioner submitted a representation dated 21.08.2024 before the 1st respondent seeking cancellation of the subsequent document executed by R.K.Ethiraj in favour of the 3rd respondent on 26.03.2009 and the same has not been considered till date. Hence, the petitioner has come before this Court.

5. In view of the order passed by 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), Section 77A of the Registration Act, 1908, which enabled the 1st respondent to cancel the registered document on the ground of fraud was struck down. Therefore, as on today, there is no enabling provision empowering the 1st respondent to cancel the registered document.



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6. In such circumstances, this Court is not inclined to issue any direction to the 1st respondent to consider the representation submitted by the petitioner. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to workout his remedy before the Civil Court in the manner known to law. No costs.

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



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To

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S.SOUNTHAR, J.

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