



W.A.No.3176 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HON'BLE Mr. JUSTICE S.S.SUNDAR
AND
THE HON'BLE Dr. JUSTICE A.D.MARIA CLETE

W.A.No.3176 of 2023
AND
C.M.P.No.26036 of 2023
AND
C.M.P.No.3108 of 2024

P.G.Unni Krishnan

.. Appellant

Vs.

1.The District Registrar
O/o.The District Registrar
Chennai (South)
Integrated Building for office of
Commercial Taxes and Registration Department
Fanepet, Nandanam, Chennai

2.The Sub Registrar
O/o.The Sub Registrar
Rajalakshmi Nagar
3rd Main Road, Velacherry
Chennai 600 042

3.Vedha

4.Manickam

5.Vivek Jain

6.Abhilasha Jain

.. Respondents



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Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.08.2023 passed by the learned Judge in W.P.No.11356 of 2023.

For Appellant : Mr.R.Rajarajan
For RR1 & 2 : Mr.B.Vijay
Additional Government Pleader
For R3 : Mr.Y.Venkatesan
R4 : No more
For RR5 & 6 : No appearance

J U D G M E N T

(Delivered by S.S.SUNDAR, J.)

This writ appeal arises from the order dated 28.08.2023 passed by the learned Single Judge in W.P.No.11356 of 2023.

2. The above said writ petition filed by the appellant for issuance of a writ of mandamus directing the respondents 1 and 2 to cancel the power of attorney dated 05.08.2011 bearing document No.943/2011 and the sale deeds dated 01.12.2011 and 05.07.2013 bearing document Nos.7015/2011, 7016/2011 and 3949 of 2013, was rightly dismissed by the learned Single Judge holding that the power under Section 77-A of the Registration Act, cannot be invoked for the purpose of cancellation of documents, as the documents were registered long before the amendment introducing Section 77-A of the Registration Act.



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The learned Judge further observed that the issues raised by the writ petitioner should be adjudicated only by the civil Court and not by this Court in this writ petition.

3. Further, this Court has struck down Section 77-A of the Registration Act and therefore, there is no scope for entertaining an application for cancellation of registered documents which were registered, prior to introduction of Section 77-A of the Registration Act. Therefore, this Court is of the view that the order of the learned Judge does not warrant any interference. Accordingly, this writ appeal stands dismissed, granting liberty to the appellant to work out his remedy before the civil Court. No costs. Connected C.M.Ps are closed.

[S.S.S.R.,J.] [A.D.M.C., J.]
18.10.2024

Index : Yes/No
Neutral Citation : Yes/No
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S.S.SUNDAR, J.

AND

A.D.MARIA CLETE, J.

gya

To

1.The District Registrar

O/o.The District Registrar

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Integrated Building for office of

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