



WEB COPY



WA No.3252 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WA No.3252 of 2024

K.Shankar

... Appellant

versus

1.The State Represented by
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 Appeal filed against the order of the learned Single Judge
in WP No.29722 of 2024 dated 04.10.2024.

1/5



WA No.3252 of 2024

WEB COPY

For the Appellant

:Mr.P.Arumugam

For the Respondents

:Mr.B.Vijay

Additional Government Pleader
for respondents 1 and 2

JUDGMENT

(Delivered by *D. KRISHNAKUMAR, J.*)

This Writ Appeal is filed against the order of the learned Single Judge in WP No.29722 of 2024 dated 04.10.2024.

2. According the appellant, private respondents, without ant right executed a fraudulent document and registered the same on the file on the second respondent in Doc.Nos.644/1998, 1100/1999 and 2111/2000. According to the appellant, the said documents were executed by playing fraud. Hence, the appellant/petitioner has made a representation dated 13.06.2023 seeking to remove the fraudulent entry from the encumbrance certificate before the Sub Registrar Office at Pallavaram in the appellant's property in Old Survey No.204/7, New Survey No.204/7B, Old Patta No.435, TSLR Ward No.C, Block No.25, Town Survey No.8/2, measuring about 25 cents. Since no orders were passed, the appellant filed the writ



WA No.3252 of 2024

petition. The writ court dismissed the writ petition with liberty to workout his remedy before the civil court in the manner known to law. Challenging the same, the appellant/petitioner has filed the present intra court appeal.

3. Learned counsel for the appellant submits that a patta was issued in the name of the aforesaid executor of the document and the same was subsequently cancelled by DRO on 27.05.2024. The said order of cancellation of patta was passed subsequent to the aforesaid execution of the document.

4. It is seen that earlier there was provision under Section 77(A) of the Registration Act to cancel the registered document and subsequently, the said provision has now been struck down by this Court in ***W.P.Nos.10291 of 2022*** and *batch*, in the case of ***Kathirvel vs The Inspector General of Registration***. In such circumstances, the order of the writ court is perfectly valid and therefore, there is no warrants to interfere with the said order. If the appellant is aggrieved, he can move before the appropriate forum.



WA No.3252 of 2024

5. With the above liberty, the writ appeal stands dismissed. There shall be no order as to costs. C.M.P.No.25223 of 2024 is closed.

(D.K.K., J.) (P.B.B., J.)
11.11.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn



WEB COPY



WA No.3252 of 2024

D. KRISHNAKUMAR, J.
and
P.B. BALAJI, J.

(mrn)

WA No.3252 of 2024

11.11.2024