



WP.No.36129 of 2024

In the High Court of Judicature at Madras

Dated : 06.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36129 of 2024

U.Vittabai

...Petitioner

Vs

1.The District Registrar,
Registration Department,
Chengalpattu District.

2.The Sub-Registrar, Office of
the Sub-Registrar,
Thirukkazhukundram,
Chengalpattu District.

3.U.Kamaraj

4.U.Gnanamoorthy

5.U.Karpagam

6.S.Sivaraman

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 and 2 to dispose of the petitioner's representation dated 21.8.2023 in a time bound manner.

For Petitioner : Mr.R.Karunakaran
For R1 & R2 : Mr.B.Vijay, AGP

ORDER

Seeking a Mandamus to respondents 1 and 2 to consider her



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representation dated 21.8.2023, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for respondents 1 and 2.

3. The case of the petitioner is as follows :

(i) The petitioner and respondents 3 to 5 are brothers and sisters. The petitioner's father owned extensive agricultural lands in Nallur Village, Thirukkazhukundram Taluk, Kanchipuram District and they were covered under patta Nos.733 and 72. The said lands were the ancestral properties of their father. As he was the absolute owner of the said properties, he was in possession and enjoyment of the same till his death on 01.8.1997. He died leaving behind him his wife, two sons and two daughters.

(ii) Thereafter, the petitioner approached respondents 3 and 4 for amicable partition of the said properties. However, they kept stalling for time. At a later point of time, it appears that the third respondent unilaterally sold acres 2.01 cents of land in S.No.225/1B in favour of the sixth respondent under the sale deed dated 06.8.1998 registered as doc.No.1850 of 1998 on the file of the second respondent. Similarly, without the consent of the petitioner



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and the fifth respondent, but with the consent of the mother of the petitioner, respondents 3 and 4 executed a partition deed dated 06.6.2007 between themselves vide doc.No.4830 of 2007 on the file of the second respondent. The mother of the petitioner died on 11.2.2014.

(iii) Further, the fifth respondent executed a release deed dated 13.5.2022 in favour of the fourth respondent vide doc.No.2549 of 2022 on the file of the second respondent in respect of certain properties. On coming to know of this, immediately, the petitioner sent a representation dated 21.8.2023 to the first respondent to cancel the said documents. The fifth respondent also joined the petitioner in the said representation dated 21.8.2023 contending that the fourth respondent got the said release deed dated 13.5.2022 executed fraudulently. Further, the first respondent, by communication dated 11.9.2023, forwarded the said representation to the second respondent for taking further action. It is this representation that the petitioner seeks an early disposal by filing this writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.



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5. In the considered view of this Court, after the judgment of a Division Bench of this Court in the case of ***M.Kathirvel Vs. Inspector General of Registration, Department of Registration and Others [reported in 2024 (4) CTC 769]***, the Registering Authorities do not have the power to cancel the documents once registered. Hence, when neither the first respondent nor the second respondent has any powers to cancel the deeds already registered, this Court cannot issue a Writ of Mandamus to respondents 1 and 2 to do a particular duty, which they are not entrusted or empowered.

6. Accordingly, the writ petition is dismissed. However, it is always open to the petitioner to initiate appropriate proceedings. No costs.

06.12.2024

To

1.The District Registrar,
Registration Department,
Chengalpattu District.

2.The Sub-Registrar, Office of
the Sub-Registrar,
Thirukkazhukundram,
Chengalpattu District.

RS



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P.T.ASHA,J

RS

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