



W.P.No.37894 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.37894 of 2024
and W.M.P.No.40972 of 2024

R.Ramachandran

.. Petitioner

Vs

- 1.The Secretary to the Government,
Revenue and Disaster Management Department,
Secretariat, Beach Road,
Fort St. George, Chennai-600 009.
- 2.The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai-600 005.
- 3.The District Collector,
Collectorate, GST Road,
Chengelpet-603 001.



W.P.No.37894 of 2024

WEB COPY

4. The Revenue Divisional Officer,
RDO Office, GST Road,
Madhurandhagam,
Chengelpet District-603 306.

5. The Tahsildar,
Cheyyur Taluk Office,
Cheyyur, Tamilnadu-603 302.

6. The Sub Registrar,
Office of the SRO,
Cheyyur, Chengelpet District-603 302.

7. Subash Chand Nahar

8. M/s. Sri Vinayaka Mines,
No.7, Elumalai Street,
2nd Floor, West Tambaram,
Chennai-600 045.

9. Venkatachalam

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 6th respondent to cancel all the documents registered in favour of the respondent 7-9 and remove all the revenue mutation, more specifically mentioned in the Schedule of Transfer of land, made in favour of respondents 7-9 related to S.No.186 and extent of 39.68 acres situated at No.76, Periyavellikadu Village, Paunjur, Cheyyur Taluk, Chengelpet District.



WEB COPY



W.P.No.37894 of 2024

For Petitioner : Mr.Dhanaram Ramachandran

For Respondents : Mr.M.Habeeb Rahman
Government Advocate
for respondent Nos.1 to 6

ORDER

(Order of the Court was made by S.S.Sundar, J.)

This writ petition has been filed by the petitioner for issuance of a writ of mandamus directing the sixth respondent to cancel all the documents registered in favour of respondents 7 to 9 and to remove all the revenue mutation, particularly, mentioned in the schedule of transfer of land relating to Survey No.186 measuring an extent of 39.68 acres situated at No.76, Periyavellikadu Village, Paunjur, Cheyyur Taluk, Chengelpet District.

2. The case of the petitioner is that contrary to the conditions stipulated in the assignment orders, the beneficiaries have sold the assigned



W.P.No.37894 of 2024

WEB COPY

land to the seventh respondent, who, in turn, sold the same to respondent Nos.8 and 9 through registered documents.

3. Learned counsel for the petitioner insisted this Court to pass an order directing the sixth respondent to cancel all the documents registered in favour of the private respondents 7 to 9.

4. Primarily, this Court cannot grant the relief prayed for by the petitioner. A registered document cannot be cancelled by the order of this Court, even assuming that the person who had transferred such land has no title. Further, this Court cannot cancel the documents in question on the basis of the averments made in the affidavit filed in support of the writ petition.

5. It is only by virtue of the requirement of Transfer of Property Act, documents of conveyance are registered. The Registration Act prescribes procedure for registration of any document, if it is compulsorily registrable.



W.P.No.37894 of 2024

WEB COPY

Mere registration of document does not clothe anyone the right or title over the property. Object of Registration Act is to give notice to the public about the transaction. If the transferor has no title, the transferee will not get title to the property, merely because the deed of conveyance is registered. Further, the Registration Act does not deal with the rights of parties, but stipulates the formality required to be followed for registering an instrument. Even the Act does not empower the Registering Authority to cancel the instrument, unless and otherwise there is a direction by the Civil Court. Therefore, there is no merit in the writ petition.

6. It may be open to the Government to take action for resumption of the land, in case of violation of any condition of the assignment. Even before action is taken for cancellation of assignment, no action is warranted to invalidate the transaction. We make it clear that the observation of this Court cannot be construed as if the official respondents are now directed to proceed against the private respondents.



W.P.No.37894 of 2024

WEB COPY

7. The writ petition is dismissed for want of merits. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.S.SUNDAR J.) (MUMMINENI SUDHEER KUMAR J.)
19-12-2024

Index : Yes/No
NC : Yes/No
bbr

To:

- 1.The Secretary to the Government,
Revenue and Disaster Management Department,
Secretariat, Beach Road,
Fort St. George, Chennai-600 009.
- 2.The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai-600 005.
- 3.The District Collector,
Collectorate, GST Road,
Chengelpet-603 001.
- 4.The Revenue Divisional Officer,
RDO Office, GST Road,
Madhurandhagam,
Chengelpet District-603 306.



W.P.No.37894 of 2024

WEB COPY

5.The Tahsildar,
Cheyyur Taluk Office,
Cheyyur, Tamilnadu-603 302.

6.The Sub Registrar,
Office of the SRO,
Cheyyur, Chengelpet District-603 302.



WEB COPY



W.P.No.37894 of 2024

S.S.SUNDAR,J.
AND
MUMMINENI SUDHEER KUMAR,J.

bbr

W.P.No.37894 of 2024

19.12.2024