



WP.No.36932 of 2024

In the High Court of Judicature at Madras

Dated : 05.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36932 of 2024 &
WMP.No.39877 of 2024

R.Shanmugam

...Petitioner

Vs

1.The Joint Sub-Registrar-4,
O/o the Joint Sub-Registrar-4,
RP58, +CC W, Thandavaraya
Nagar, Kancheepuram.
631502.

2.The District Registrar,
Kancheepuram District,
Kancheepuram.

3.Albert James

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and the 2nd respondents herein to consider the petitioner's representation dated 13.12.2023 within the time frame fixed by this Court.

For Petitioner : Mr.Velayutham Pichaiya
For R1 & R2 : Ms.C.Meera Arumugam, AGP



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ORDER

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Aggrieved by the fact that the petitioner's representation dated 13.12.2023 has not been considered till date, 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 said representation dated 13.12.2023, for the disposal of which, the above writ petition has been filed, is one where the petitioner seeks cancellation of a sale deed dated 06.10.2006 registered as doc.No.4445 of 2006 on the file of the Joint Sub-Registrar-4, Kanchipuram.

4. The case of the petitioner is as follows :

(i) The petitioner purchased the property comprised in S.No.4/7 measuring acres 98 cents situate at No.141, Kodamanallur Village, Sriperumbudur Taluk, Kanchipuram District from one Mrs.R. Pattammal, vide sale deed dated 27.12.2006 registered as doc.No.6216 of 2006 on the file of the first respondent, in which, one Mrs.Deivanai and one Mr.S.Ravichandran also joined in the execution



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of the said sale deed.

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(ii) The said property and other properties originally belonged to one Mr.T.Subramania Achari and after his demise on 11.1.1995, the entire properties devolved on his legal heirs - the said Mrs.Deivanai - his wife and the said Mr.S.Ravichandran - his son. During 2003, the said Mrs.Devanai executed a settlement deed dated 10.11.2003 in respect of her share in favour of her son - the said Mr.S. Ravichandran registered as doc.No.2920 of 2003 on the file of the Joint Sub-Registrar-2, Kancheepuram. In turn, the said Mr.S.Ravichandran settled the entire properties in favour of his wife - one Mrs.R. Pattammal vide a settlement deed dated 11.11.2003 registered as doc.No.2825 of 2003 on the file of the first respondent.

(iii) After the execution of the said settlement deed dated 11.11.2003 in favour of the said Mrs.R.Pattammal, without revoking the same, the said Mr.S.Ravichandran and the said Mrs.Deivanai appeared to have executed a general power of attorney on 20.6.2005 registered as doc.No.111 of 2005 on the file of the first respondent for the administration of the properties comprised in S.No.4/5 measuring 68 cents, S.No.4/6 measuring 5.24 acres and S.No.4/7 measuring 98 cents at No.17, Kodamanallur Village, Sriperumbudur Taluk, Kanchipuram District, which were already settled in favour of the said Mrs.R.Pattammal, in favour of one Mrs.Irudhayameri to act



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as their power agent. Acting as the power agent of the said two persons, the said Mrs.Irudhayameri appeared to have sold the properties, in respect of which, the general power of attorney came to be executed, in favour of the third respondent vide sale deed dated 06.10.2006 registered as doc.No.4445 of 2006 on the file of the first respondent.

(iv) After the purchase, when the petitioner attempted to put up a construction, he came to know that the patta stood in favour of the third respondent. Immediately, the petitioner along with persons similarly affected sent a representation dated 16.6.2008 to the Tahsildar, Sriperumbudur Taluk to revoke the patta granted to the third respondent and incorporate their names in the patta. By proceedings dated 28.10.2009, the Tahsildar, Sriperumbudur Taluk, after perusing the report of the Revenue Inspector, Madhuramangalam Firka dated 11.9.2008 and revoked the patta granted in the name of the third respondent and directed the Village Administrative Officer concerned to restore the names of the said Mrs.Deivanai and the said Mr.S.Ravichandran in the village accounts and in the computerized records.

(v) Thereafter, the petitioner sent a representation dated 13.12.2023 to the second respondent to cancel the sale deed dated 06.10.2006 in doc.No.4445 of 2006 executed in favour of the third



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respondent. However, his request has not been considered. Hence the writ petition.

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

6. Post the judgment of the 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 are no longer empowered to undertake the exercise of cancelling the documents, as Section 77A of the Indian Registration Act has been declared as unconstitutional. Hence, this Court cannot issue a Mandamus to respondents 1 and 2, who are not authorized to undertake the exercise of cancelling the registered documents.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected WMP is also dismissed.

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P.T.ASHA,J

RS

To

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Nagar, Kancheepuram. 631502.

2.The District Registrar,
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