



W.P(MD)No.12990 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.12990 of 2023

and

W.M.P.(MD)No.10999 of 2023

J.Femina

... Petitioner

Vs.

1.The Deputy Inspector General,
Registration Department,
Tirunelveli Zonal, Combined Registration
Department Office Campus,
St.Mark Road, Palayamkottai,
Tirunelveli.

2.The District Registrar,
Registration Department,
Thoothukudi.

3.The Sub Registrar,
Sub Registration Office,
Puthukottai, Thoothukudi District.

4.The Rosary Repindo

5.Joseph Wellington

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in



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proceedings in Na.Ka.No.3537/thapi/2020, dated 08.09.2022 and quash the same as illegal and arbitrary and consequently, to direct the respondents 1 and 2 to cancel the alleged sale deeds in Document No.3555 of 2019, dated 26.09.2019 on the file of the 3rd respondent herein and return the above said properties to the petitioner within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganesamoorthi
For R1 to R3 : Mr.P.Subbaraj,
Special Government Pleader
For R4 & R5 : Mr.N.Pragalathan

ORDER

Heard both sides.

2.It is the case of the petitioner that the properties in Survey Nos.176/4A, 176/4B, 177/5, 177/6, 177/7, 177/8, 177/14, 177/16B and 159 total extent of 4 acres 34 cents belonged to the grandfather of the petitioner and he had executed a Will in favour of the father of the petitioner. Therefore, after the death of the petitioner's grandfather, her father was in possession and enjoyment of the properties in question. The father of the petitioner was affected by mental disease. Taking advantage of the same, the respondents 4 and 5 approached the father of the petitioner and obtained his signature in two sale deeds dated 26.09.2019 and 12.11.2019 executed in favour of the



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respondents 4 and 5 respectively and further, they have not paid the sale consideration properly. Therefore, the petitioner preferred a representation before the 2nd respondent, seeking cancellation of the said two sale deeds, which was rejected. On appeal, the 1st respondent also rejected the request of the petitioner, vide order dated 08.09.2022, holding that no impersonation has been made. Challenging the same, the petitioner has filed this Writ Petition.

3.At the outset, this Court is of the view that the petitioner sought for cancellation of the sale deeds on the ground that those documents were executed by exhortation and the sale consideration has also not been paid. Merely based on the said allegations, the document cannot be cancelled and it would be cancelled only on the proven facts in the civil Court. The Registering Authority has no power to cancel any registered document. Further, the very Section 77(A) inserted under Registration Act is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. This aspect has been elaborately dealt with in the case of **Satya Pal Anand v. State of M.P.[2016 10 SCC 767]** and **G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024.**



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4. In view of the above settled position of law, unless the power is specifically vested with the registering authority to cancel any document and to go into the matter, there cannot be any direction to the authorities concerned to cancel the document. All these facts cannot be looked into by this Court and the same has to be agitated before the civil Court.

5. With the above observations, this Writ Petition is dismissed. It is for the petitioner to work out her remedy before the competent civil Court in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

1. The Deputy Inspector General,
Registration Department,
Tirunelveli Zonal, Combined Registration
Department Office Campus,
St. Mark Road, Palayamkottai,
Tirunelveli.



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2.The District Registrar,
Registration Department,
Thoothukudi.

3.The Sub Registrar,
Sub Registration Office,
Puthukottai, Thoothukudi District.



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N.SATHISH KUMAR, J

Yuva

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