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W.P.No.6132 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.6132 of 2025

Pappu @Pappayee

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.

2. The District Registrar,
District Registrar Office,
Namakkal.

3. The Sub-Registrar,
Sub-Registrar Office,
Namakkal to Tiruchengode Main Road,
Velagoundanpatti, Namakkal District.

4. S.Jothinirmala

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the third respondent to consider the representation and cancellation of Settlement Deed Doc.No.3519/2023, dated 06.12.2023 executed by the petitioner's brother Mr.Selvam to and in favour of his second wife Jothi Nirmala as null and void and pass such further or other further orders as this Hon'ble court may deem fit and proper.



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For Petitioner : Mr.M.Manigopi

For R1 to R3 : Mr.R.Sasikumar,
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the third respondent to consider the representation made by the petitioner on 06.12.2023 wherein the petitioner has sought for the cancellation of the Settlement Deed dated 06.12.2023 executed by his brother in favour of his second wife.

2. Heard Mr.M.Manigopi, learned counsel for the petitioner and Mr.R.Sasikumar, learned Government Advocate appearing on behalf of the respondents 1 to 3.

3. In the considered view of this court, the power of cancellation of a registered document that was vested under Section 77-A of the Registration Act has already been held to be unconstitutional by the Division Bench in the Judgement in ***“M.Kathirvel -vs- Inspector General of Registration Department of Registration and others”*** reported in (2024) 4 CTC 769. In



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view of the same, there is no power available to the second or third respondents to cancel any document as on today. Hence, if the petitioner is aggrieved, it is left open to the petitioner to approach the competent civil court and work out her remedy in the manner known to law. Except giving this liberty and clarity, no further orders can be passed in this writ petition.

4. This writ petition is disposed of with the above terms. No costs.

25.02.2025

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.
2. The District Registrar,
District Registrar Office,
Namakkal.
3. The Sub-Registrar,
Sub-Registrar Office,
Namakkal to Tiruchengode Main Road,
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N. ANAND VENKATESH, J.

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