



W.P.No.3000 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3000 of 2025

and

W.M.P.No.3282 of 2025

V.Vasanthi

... Petitioner

Vs.

1.Inspector General of Registration
Santhome, Mylapore
Chennai - 28.

2.Deputy Inspector General of Registration
Combined Buildings
Kamarajar Colony
Ammapettai, Salem 636 014

3.The District Registrar
District Registrar Office
Krishnagiri 635 001

4.The Sub-Registrar
Shoolagiri Sub Registrar Office
Shoolagiri 635 117
Krishnagiri District

5.Narasimha Moorthy



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- 6.Nagarathina
- 7.S.R.Balu
- 8.S.R.Raju
- 9.S.R.Chandra Sekar
- 10.S.Sathya Narayana Moorthy
- 11.Aryamba
- 12.S.Chitra
- 13.Parvathamma
- 14.S.Sumanth
- 15.S.Manjunath
- 16.Pramila
- 17.S.M.Vani
- 18.S.M.Sri Rag
- 19.S.Nanjundasamy
- 20.Manjula
- 21.D.Kanniyakumari

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 25.09.2023 having reference No. Na.Ka. No.1552/U/2023 passed by the 3rd respondent, quash the same and consequently direct the 4th respondent to restore the Sale Deed dated 02.04.2001 registered as Doc.No.437/2001, Partition Deed dated 08.06.2018 registered as Doc. No.2389 of 2018 and mortgage deed dated 24.11.2021 bearing Doc.No.5829 of 2021 and remove the entries made in the Schedule II.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.B.Vijay
Addl. Government Pleader - R1 to R4



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ORDER

This Writ Petition has been filed challenging the proceedings of the 3rd respondent dated 25.09.2023 and for a consequential direction to the 4th respondent to restore the Sale Deed that was registered in Doc.No.437/2001 dated 02.04.2001, Partition Deed dated 08.06.2018 registered as Doc. No.2389 of 2018 and the Mortgage Deed dated 24.11.2021 bearing Doc.No.5829 of 2021 and to remove the entries made in the official records.

2.Heard Mr.R.Bharath Kumar, the learned counsel appearing on behalf of the petitioner and Mr.B.Vijay, the learned Additional Government Pleader appearing for the respondents 1 to 4.

3.The impugned proceedings of the 3rd respondent has been put to challenge on the ground that the 3rd respondent does not have the power to cancel the documents in exercise of Section 77A of the Registration Act. The other ground is that such order was passed even without affording any



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opportunity to the petitioner.

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4.The power that was available to the 3rd respondent under Section 77A of the Registration Act has been held to be illegal and unconstitutional and a division bench of this Court has struck down the provision in ***M.Kathirvel and others V. Inspector General of Registration, Department of Registration*** reported in (2024) 4 CTC 769. Hence, the very order that was passed by the 3rd respondent becomes non-est in the eye of law.

5.In the light of the above finding, it is not necessary to deal with the second ground that has been raised on the side of the petitioner.

6.Once the order passed by the 3rd respondent dated 25.09.2023 is interfered, the consequence of such interference must also enure in favour of petitioner. As a result, the sale deed, partition deed, and the mortgage deed will automatically stand revived and necessary entry shall be made in the encumbrance certificate in this regard by the 4th respondent.

7.This writ petition is allowed with the above directions. Consequently,



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the connected miscellaneous petition is closed. No costs.

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Index : Yes / No

Neutral Citation

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N. ANAND VENKATESH, J.

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