



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3213 of 2025

A.R.Mohamed Sarjun

... Petitioner

Vs.

1.The Sub Registrar,
Thiruporur Sub Division,
Thiruporur-Chengalpet District.

2.The District Registrar (Administration)
Chengalpet District-Chengalpet.

3.The Inspector General of Registration,
Santhome High Road, Santhome,
Chennai 600 028.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to pass appropriate orders in the proceedings bearing Ka.No.4708/Aa3/2023 dated 08.08.2023 pending on its file in accordance with law within a specified time fixed by this Court.

For Petitioner : Mr.N.K.Sekar

For Respondents : Mr.B.Vijay



Additional Government Pleader

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ORDER

This writ petition has been filed for issue of writ of mandamus directing the 2nd respondent to pass appropriate orders pursuant to the notice dated 08.08.2023, within the time frame fixed by this Court

2. Heard Mr.N.K.Sekar, learned counsel appearing on behalf of the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of respondents 1 to 3.

3. The case of the petitioner is that the subject property was originally owned by the father of the petitioner. On his demise, the petitioner inherited the property and was in possession and enjoyment of the same. A complaint came to be given by the rival parties seeking for cancellation of the document. Ultimately, an order came to be passed by the District Registrar, Chengalpattu District finding that the document in question is a fraudulent document and consequently, a direction was given to cancel the entry made in the records. Aggrieved by the same, the petitioner filed W.P.No.14825 of 2022 before this Court. The said writ petition was disposed of by an order dated 23.02.2023 by setting aside the order passed by the District



Registrar and with a consequential direction to deal with the complaint afresh after giving opportunity to both sides and pass orders, within a period of eight weeks.

4.The notice dated 08.08.2023 was issued by the 2nd respondent. The petitioner also gave detailed written submissions.

5.As a subsequent development, the Division Bench of this Court has struck down Section 77A of the Registration Act. Hence, as on date, there is no provision available for the District Registrar to cancel any document. Under such circumstances, no orders were passed by the District Registrar and the petitioner is also not permitted to register any documents. It is under these circumstances, the present writ petition came to be filed before this Court.

6.In the considered view of this Court, the direction that was issued by this Court in W.P.No.14825 of 2022, dated 23.02.2023 has become unworkable due to the subsequent development. There is no scope for the District Registrar to cancel the document and the only remedy available for the parties is to approach the competent Civil Court. In view of the same, the 2nd respondent is not in a position to pass any orders pursuant to the directions issued by this Court in the earlier writ



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7. In the light of the above development, the document that stands in the name of the petitioner is intact and if at all the rival claimants are aggrieved, they can only approach the competent Civil Court. Till, the ownership of the petitioner is not declared to be bad by any competent Civil Court, the petitioner cannot be prevented from dealing with the property by executing documents. This clarity will sufficiently taken care of the grievance expressed by the petitioner.

8. This writ petition is disposed of with the above directions. No Costs.

06.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Sub Registrar,
Thiruporur Sub Division,
Thiruporur-Chengalpet District.
2. The District Registrar (Administration)
Chengalpet District-Chengalpet.



3. The Inspector General of Registration,
Santhome High Road, Santhome,
Chennai 600 028.



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N. ANAND VENKATESH, J.

SSR

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