



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4213 of 2025

1.Mrs.Gnanasakthi Jagadeesan

2.Mrs.S.R.Rathnamala

... Petitioners

Vs.

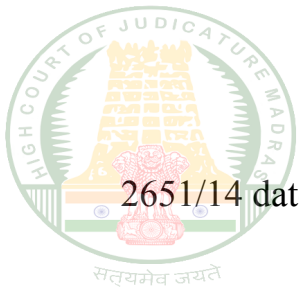
1.The Deputy Inspector General of Registration,
Salem Zone, Registration Department,
2nd Floor, Kumaragiri Bypass Road,
(Kailash Maansarovar CBSE School Near)
Ammamet, Salem 636 014.

2.The District Registrar (Admin)
Registration Department,
Namakkal District.

3.The Sub Registrar,
Rasipuram Sub Registrar Office,
Namakkal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents No 1 to 3 to consider the representation given by the petitioners dated 03.10.2024 in light of the order dated 02.08.2024 in the batch of writ petitions in W.P. No.10291/2022 and others by the Division Bench of the High Court Madras by deleting the remarks made in Document Nos.5947/13 and



2651/14 dated 30.06.2022 and 13.04.2024 respectively by the respondents.

WEB COPY

For Petitioners : Mr.C.Umashankar

For Respondents : Mr.Karthick Jagannath
Government Advocate

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents 1 to 3 to consider the representation made by the petitioners on 03.10.2024, wherein, the petitioners are seeking for the deletion of the remarks made in Document Nos.5947/13 and 2651/14 dated 30.06.2022 and 13.04.2024.

2.Heard Mr.C.Umashankar, learned counsel appearing on behalf of the petitioners and Mr.Karthick Jagannath, learned Government Advocate appearing on behalf of respondents.

3.A complaint was made before the District Registrar stating that fraudulent Sale Deeds were executed and based on the complaint, the District Registrar passed orders cancelling the registered Sale Deeds. As against the same, appeal was filed before the Deputy Inspector General of Registration, Salem and the appellate authority through proceedings dated 04.03.2024 confirmed the order passed by the District Registrar. As a



result, the documents that were registered in Document Nos.5947/13 and 2651/14 stood cancelled.

WEB COPY

4.The further case of the petitioners is that two suits came to be filed and ultimately, both the parties entered into compromise and both the suits were dismissed as withdrawn.

5.The petitioners gave a representation dated 03.10.2024 seeking for the deletion of the remarks pursuant to the cancellation of the Document Nos.5947/13 and 2651/14. Since the same was not considered, the present writ petition has been filed before this Court.

6.In the considered view of this Court, the two documents were cancelled based on the power that was available at that point of time under Section 77A of the Registration Act. This provision has been held to be unconstitutional by this Court in ***M.Kathirvel vs. The Inspector General of Registration, Department of Registration and others*** reported in **2024 4 CTC 769**. Therefore, the very order passed by the District Registrar which was subsequently confirmed by the Deputy Inspector General of Registration are non est in the eye of law. Therefore, the endorsement that was made



WEB COPY

cancelling those documents in the encumbrance certificate will have to be reversed. This is more so due to the fact that there was a compromise between the parties subsequently and the civil suits also came to be withdrawn.

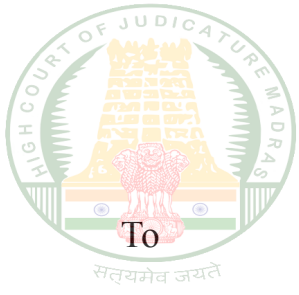
7.In the light of the above discussion, there shall be a direction to the 3rd respondent to reverse the entries that were made while cancelling the documents registered as Document Nos.5947/13 and 2651/14 by registering the present order passed in this writ petition. The same will sufficiently take care of the grievance expressed by the petitioners.

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

26.02.2025

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

(2/2)



1. The Deputy Inspector General of Registration,
Salem Zone, Registration Department,
2nd Floor, Kumaragiri Bypass Road,
(Kailash Maansarovar CBSE School Near)
Ammamet, Salem 636 014.

2. The District Registrar (Admin)
Registration Department,
Namakkal District.

3. The Sub Registrar,
Rasipuram Sub Registrar Office,
Namakkal



WEB COPY



N. ANAND VENKATESH, J.

ssr

W.P.No.4213 of 2025

**26.02.2025
(2/2)**