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W.P No. 7669 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

W.P No. 7669 of 2025

S.Gunasundari

... Petitioner

Vs

1.The Inspector General of Registration
No.100, Santhome High Road
Mylapor, Chennai 600 004.

2.The District Registrar
District Registrar Office
Chennai North, Kuralagam 1st Floor
Chennai 600 108.

3.The Sub Registrar
Sub Registrar Office, Ambattur
Ambattur, Chennai.

4.K.Gomathi

5.Ajitha Virjileus

... Respondents



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PRAYER
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Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st to 3rd respondents or their men or agents acting on behalf of them to consider the petitioner's representation dated 10.10.2024 and to cancel the fraudulent sale deed in document No.9348/2018 and to cancel the Memorandum of Deposit of Title Deeds in Document No.11188/2020 dated 27.10.2020 and 17836/2021 dated 23.12.2021 registered at the office of the 3rd respondent.

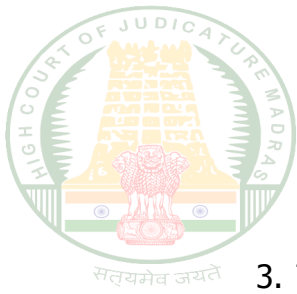
For Petitioner: Mr. S.C.Pratheep Ashok Kumar

For Respondent: Mr.U.Baranidharan, Special Government Pleader
for RR 1 to 3

ORDER

This writ petition has been for the issuance of a writ of Mandamus directing the respondents 1 to 3 to consider the representation made by the petitioner on 10.10.2021, wherein the petitioner is seeking for cancellation of the fraudulent sale deed registered as Document No.9348 of 2018 and also the document creating mortgage by deposit of title deeds which was registered as Document No.1188 of 2020 and Document No.17836 of 2021 registered before the third respondent.

2. Heard Mr.S.C.Pratheep Ashok Kumar for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for the respondents 1 to 3.



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3. The petitioner claims that fraudulent documents were created by persons who do not have any right or title over the property and hence the petitioner made a representation for the cancellation of the documents.

4. That apart, a criminal case was also filed, which resulted in the registration of FIR in Crime No.223 of 2018, which is investigated by the CCB-II, Chennai. Since the representation made by the petition for cancellation of the documents was not considered, the present writ petition has been filed.

5. In the considered view of this Court, the power that was given to the registration authority for cancellation of the documents under Section 77A of the Act has already been held to be unconstitutional by the Division Bench of this Court in **Kathirvel -vs- Inspector General of Registration (2024 (4) CTC 769)**. Hence, as on today there is no power for the registration authorities to cancel any document.

6. In view of the same, there is no scope for directing the respondents to consider the representation made by the petitioner. It is left open to the petitioner



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N.ANAND VENKATESH, J.

KST

to question those documents by initiating appropriate proceedings before the competent civil Court and proceed further in accordance with law. This writ petition is disposed of in the above terms. No costs.

07-03-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

KST

To

1.The Inspector General of Registration

No.100, Santhome High Road

Mylapore Chennai 600 004.

2.The District Registrar

District Registrar Office

Chennai North, Kuralagam 1st Floor

Chennai 600 108.

3.The Sub Registrar

Sub Registrar Office, Ambattur

Ambattur, Chennai.

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