



Writ Petition No.9677 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.9677 of 2025

1. N.Humayun Kabeer
S/o.Late Naina Mohammed,
New No.5, Old No.4,
AVM Colony 1st Street, Virugambakkam,
Chennai- 600 092.

2.N.Rawthar Siddiq
S/o.Late Naina Mohammed, New No.5,
Old No.4, Avm Colony 1st Street,
Virugambakkam, Chennai- 600 092.

Petitioners

Vs

1. The District Registrar
South Chennai, Chennai-35.

2.The Sub Registrar
Virugambakkam, Chennai- 92.

3.S.Jarina Begam
W/o.Syed Ibrahim,
New No.5, Old No.4, Avm Colony 1st
Street, Virugambakkam, Chennai- 92.

4.Syed Ibrahim
S/o.Sikkandhar Rawthar,
New No.5, Old No.4, Avm Colony 1st
Street, Virugambakkam,
Chennai- 600 092.

Respondents

Writ Petition filed under Article 226 of the Constitution of



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India seeking issuance of a Writ of Mandamus directing the respondents 1 and 2 by considering the petitioners' representation dated 10.07.2023 and to rectify the fraudulent transactions done by the third and fourth respondents and to restore the schedule property to its rightful owners.

For Petitioners : Mr.G.Kalidasan
For Respondents : Mr.U.Baranidharan
Special Government Pleader [R1 & R2]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents 1 and 2 to consider the representation made by the petitioners on 10.07.2023 wherein the petitioners have sought for rectification/cancellation of the fraudulent transactions that were done by respondents 3 and 4.

2. Heard Mr.G.Kalidasan, learned counsel for petitioners and Mr.U.Baranidharan, learned Special Government Pleader appearing for respondents 1 and 2.

3. In the considered view of this Court, the petitioners may be having a genuine grievance against the fourth respondent with respect to the transaction that took place, which led to entries being made in the encumbrance certificate. However, this Court must see if the respondents 1 and 2 are having any power or jurisdiction to carry out such



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rectification in the encumbrance certificate. If any rectification is carried out, it will virtually amount to cancellation of a registered document. The power to cancel a registered document was available under Section 77-A of the Registration Act. This provision was held to be unconstitutional by the Division Bench of this Court in the decision in ***M.Kathirvel and others v. Inspector General of Registration [2024 (4) CTC 769]***. Hence, if the petitioners are aggrieved by the transaction that took place between respondents 3 and 4 and registration of documents, it is left open to them to work out their remedy before the competent Court in accordance with law. Except giving this liberty, no further orders can be passed in this writ petition.

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

26.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

N.ANAND VENKATESH, J
gm

To



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