



Writ Petition No.10304 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

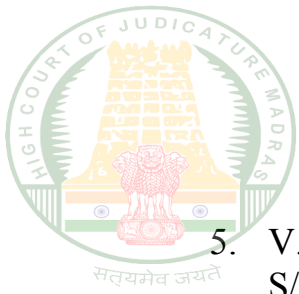
Writ Petition No.10304 of 2025
and
W.M.P.Nos.11611 & 11613 of 2025

S.Prathieswaran
S/o.Subramani

... petitioner

Vs

1. The Inspector of Registration
No.100, Santhome High Road
Mandavelipakkam, Raja Annamalai Puram
Chennai-600 028.
2. The Deputy Inspector General of Registration
No.26F, Commercial Tax and Registration Department
Combined Building, Penpet
Nandanam, Chennai-600 035.
3. The District Registrar
Office of the District Registrar
No.47/8, West Tambaram
Tambaram, Chennai-600 045.
4. The Sub-Registrar
Pallavaram, Sub-Registrar Office
7th Main Road, New Colony
Chrompet, Jamin Pallavaram
Chennai-600 044.



Writ Petition No.10304 of 2025

5. V.S.P.Valarmathi
S/o.Soundara Pandian

... Respondents

WEB COPY

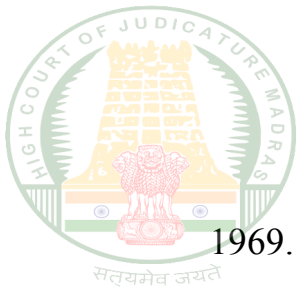
Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the District Registrar, West Tambaram, Chennai-600 045 the third respondent herein in Letter No.4805/E2/2024 dated 29.11.2024 and quash the same and further direction to the 4th respondent to remove the entry made in the encumbrances certified with regard to document No.1902/1969 is a created bogus and inserted in the 4th respondent Sub-Registrar Office, Pallavaram and issue fresh encumbrance certificate to the petitioner.

For Petitioner	:	Mr.V.Raghavachari Senior Counsel for Mr.J.Lingeswaran
For Respondents	:	Mr.K.Karthick Jagannath Government Advocate for R1 to R4 Mr.V.Benedict Vincent, for R5

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 29.11.2024 and for a consequential direction to the fourth respondent to remove the entry made in the Encumbrance Register with respect to Document No.1902 of



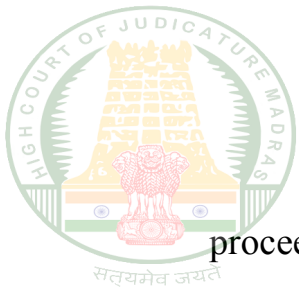
Writ Petition No.10304 of 2025

WEB COPY

1969.

2. Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 4 and the learned counsel for R5.

3. The case of the petitioner is that the subject property was originally owned by one Rajasekar by virtue of a registered sale deed dated 02.09.1969 registered as Document No.1902 of 1969. The said Rajasekar executed Power of Attorney in favour of the petitioner and permitted the petitioner to deal with the property. This Power of Attorney document dated 02.09.2022 was registered as Document No.9912 of 2022. One Sakunthala, seems to have entered into a partition deed on 26.09.1975 and based on the same, the Power of Attorney came to be issued in favour of one Jothi which was registered as Document No.474 of 1999. In turn, the said Jothi executed a sale deed on 20.01.2000 which was registered as Document No.95 of 2000. Thereafter, an attempt was made to trespass into the property and illegally dispossess the petitioner. The petitioner submitted an application before the District Registrar, South Madras on 11.11.2023 seeking for cancellation of bogus documents created in the year 1975, 1999, 2000 and 2021. The District Registrar, South Madras through



Writ Petition No.10304 of 2025

proceedings dated 24.02.2023 directed the parties to agitate the rights before the competent Civil Court.

4. The fifth respondent had given a complaint before the third respondent seeking for cancellation of the sale deed dated 02.09.1969 which was registered as Document No.1902 of 1969 and also the Power of Attorney executed in favour of the petitioner. This complaint was acted upon and the impugned proceedings dated 29.11.2024 came to be issued cancelling the sale deed dated 02.09.1969. Aggrieved by the same, the present writ petition has been filed before this Court.

5. In the considered view of this Court, there is more than one reason to interfere with the impugned proceedings dated 29.11.2024 passed by the third respondent. The first reason is that earlier yet another District Registrar had refused to interfere and had directed the parties to agitate the dispute before the competent Civil Court. However, the third respondent has proceeded to go into the issue and had directed to cancel the sale deed dated 02.09.1969 which was registered as Document No.1902 of 1969. It is not known as to how two District Registrars came to two different conclusions on the same set of facts. The other reason is that the power has been exercised under Section 77-A of the Registration Act and this provision has been held to be unconstitutional by the



Writ Petition No.10304 of 2025

Division Bench of this Court in *M.Kathirvel Vs. The Inspector General of Registration Department of Registration and Others* reported in **2024 4 CTC 769**. Hence, the impugned proceedings dated 29.11.2024 passed by the third respondent is non-est in the eye of law.

6. In the light of the above discussion, impugned proceedings of the third respondent dated 29.11.2024 is hereby quashed. It is left open to the parties to agitate the dispute before the competent Civil Court by seeking appropriate remedy. In the light of this order, the sale deed dated 02.09.1969 registered as Document No.1902 of 1969 will stand restored.

In the result, the Writ Petition is allowed in the above terms. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

17.04.2025

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

mk

N.ANAND VENKATESH, J



Writ Petition No.10304 of 2025

mk

To
WEB COPY

1. The Inspector of Registration
No.100, Santhome High Road
Mandavelipakkam, Raja Annamalai Puram
Chennai-600 028.
2. The Deputy Inspector General of Registration
No.26F, Commercial Tax and Registration Department
Combined Building, Penpet
Nandanam, Chennai-600 035.
3. The District Registrar
Office of the District Registrar
No.47/8, West Tambaram
Tambaram, Chennai-600 045.
4. The Sub-Registrar
Pallavaram, Sub-Registrar Office
7th Main Road, New Colony
Chrompet, Jamin Pallavaram
Chennai-600 044.

Writ Petition No.10304 of 2025

17.04.2025