



WEB COPY



W.P.No.10535 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.10535 of 2024
and WMP.No.11550 of 2024

D.Vimal Rajkumar
Rep by his Power Agent
N.S.Gnaneswaran

.... Petitioner

Vs

1.The Inspector General of Registration
Registration Department
No.100, Santhome High Road
Chennai - 600 028.

2.The District Registrar (Administration)
South Chennai
[Assistant Inspector General of Registration]
Registration Department
Chennai.

3.M/s.ELCOT
By its Managing Director
No.692, Anna Salai
Chennai - 600 035.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorari calling for the records leading to pass the



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impugned order of the second respondent dated 25.04.2023 in Na.Ka.No.2115/E2/2023 and quash the same.

For Petitioner : Mr.M.Narayanaswamy

For Respondents : Mr.Karthick Jagannath
Government Advocate for R1 & R2

Mr.M.Vijayan of M/s.King & Patridge
for R3

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 25.04.2023, wherein the second respondent has exercised the power and jurisdiction under Section 77-A of the Registration Act and cancelled the settlement deed dated 22.08.2007 executed by the petitioner's grandmother in favour of the father of the petitioner. That apart, the sale agreement dated 11.05.2011 was also cancelled by virtue of this order.

2. Heard Mr.M.Narayanaswamy, learned counsel for the petitioner and Mr.Karthick Jagannath, learned Government Advocate for respondents 1 and 2.



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WEB COPY 3. It is not necessary for this Court to go into the merits of the case since the very power that was exercised by the second respondent under Section 77-A is illegal in the light of the judgment of a Division Bench of this Court in ***M.Kathirvel Vs Inspector General of Registration*** reported in ***(2024) 4 LW 110***. This Court must also take into consideration the judgment of the Single Judge in ***Rajasulochana Vs Inspector General of Registration*** reported in ***2024 (3) CTC 113***, wherein it has been held that the registering authorities cannot cancel the registered documents on the complaint of fraudulent registration and it is only the civil Court which can adjudicate those issues.

4. In the light of the settled law, the impugned proceedings of the second respondent dated 25.04.2023 is liable to be interfered on the ground of lack of jurisdiction and accordingly the same is hereby quashed. It is left open to the parties to agitate the right and title over the property before the competent civil Court.



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WEB COPY 5. In the result, this writ petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

03.02.2025
(1/2)

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ds

To:

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N. ANAND VENKATESH., J

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