



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 20.02.2025**

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**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**W.P.No.19871 of 2023**  
**and W.M.P.No.19216 of 2023**

T.Aruna

... Petitioner

Vs.

1.The Inspector General of Registration,  
Santhome, Chennai 600 004.

2.The Deputy Inspector General of Registration,  
Chennai Zone,  
Chennai.

3.The Assistant Deputy Inspector General of Registration,  
South Chennai,  
Chennai.

4.The Sub Registrar,  
Velachery, Chennai 600 042.

5.M.S.Elamurugu

6.S.Durai

7.K.Sambandan

... Respondents



**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 17.02.2023 passed in Na.Ka.No.5386/A1/2021 quash the same and consequently direct the 4th respondent herein to remove the entries made in the Index Register, recording the order of the 2nd respondent herein.

For Petitioner : Mr.K.V.Babu

For Respondents : Mr.B.Vijay  
Additional Government Pleader  
for R1 to R4

Mr.K.V.Muthuvisakan for R5

No Appearance for R6 and R7

### **ORDER**

This writ petition has been filed challenging the impugned proceedings of the 2<sup>nd</sup> respondent dated 17.02.2023, confirming the proceedings of the 3<sup>rd</sup> respondent dated 09.10.2021, declaring the documents registered as Document Nos.2813 of 2013 and 15 of 2014 as fake documents and further directing the Sub Registrar to make necessary entries in the Encumbrance Certificate.

2.Heard Mr.K.V.Babu, learned counsel appearing on behalf of the petitioner,  
Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of



respondents 1 to 4 and Mr.K.V.Muthuvisakan, learned counsel appearing on behalf of the 5<sup>th</sup> respondent.

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3.In the case in hand, the District Registrar and the Deputy Inspector General of Registration had presumably exercised the power under Section 68 of the Registration Act. The Division Bench of this Court in ***Dr.P.V.R.K. Anjaneeya Guptha vs. M.Anbazhagan and others*** reported in ***2024 4 CTC 1*** has categorically held that the power under Section 68 of the Registration Act is only limited to the Superintendence of the Registration Officers and to make rules in that regard and it cannot go beyond the mandate of the provision. Apart from that, in the judgment in ***M.Kathirvel vs. The Inspector General of Registration, Department of Registration and others*** reported in ***2024 4 CTC 769*** in Paragraph Nos.178 and 179, it has been held as follows:

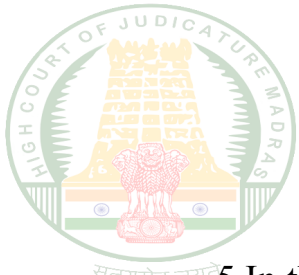
*178.Section 68(2) of Registration Act was interpreted to confer power on the District Registrar to cancel the document for irregularities in registration. As this Court has already held that Section 77-A of the Act is unconstitutional as it is contrary to the object of the Act, any circular or order or direction enabling the District Registrar or Registering Officer to cancel registration or invalidating any transaction is unconstitutional and hence, the impugned Circular, dated 08.11.2017 is declared as unconstitutional. The Writ Petition stands allowed.*



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*179. In view of our conclusions reached above on every point we have taken for determinations in these cases, this Court finds that there is no scope for entertaining any Application under 77-A of the Act. Similarly, the power under Section 22-A and Section 22-B of the Act can be exercised only when the jurisdictional issue as indicated in our judgment can be decided on the admitted facts or on the materials which are not in dispute. Till such time the Government frames Guidelines in the manner provided by the Full Bench and Division Bench of Andhra Pradesh High Court, the directions issued by the Division Bench of this Court in *Sudha Ravi Kumar and another vs. Special Commissioner and Commissioner, HR & CE, Chennai and others*, 2017 (3) CTC (DB); 2017 (2) CWC 44 (DB); 2017 SCC Online Mad 19191; 2017 (4) MLJ 445 is binding on the Registering Authority and the Registering Authority shall meticulously follow the directions. No Costs. Consequently, connected Miscellaneous Petitions are closed.*

4. In the light of the above judgments, the impugned proceedings of the 2<sup>nd</sup> respondent which confirmed the earlier proceedings of the 3<sup>rd</sup> respondent and declared the documents as fake documents, is without jurisdiction and the same is liable to be interfered by this Court and accordingly, the same is quashed. If at all, the private respondents have any grievance, they have to workout their remedy before the competent Civil Court in accordance with law.



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5. In the result, this writ petition is allowed in the above terms. In the light of this order, the entry that was entered in the Encumbrance Certificate pursuant to the order passed by the District Registrar has to be canceled and this has to be done by the 4<sup>th</sup> respondent, within a period of two weeks from the date of receipt of copy of this order. No Costs. Consequently, connected miscellaneous petition is closed. No Costs. Consequently, connected miscellaneous petition is closed.

20.02.2025

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order  
ssr

To

1. The Inspector General of Registration,  
Santhome, Chennai 600 004.
2. The Deputy Inspector General of Registration,  
Chennai Zone,  
Chennai.
3. The Assistant Deputy Inspector General of Registration,  
South Chennai,  
Chennai.



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4.The Sub Registrar,  
Velachery, Chennai 600 042.



**N. ANAND VENKATESH, J.**

SSR

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