



WEB COPY



W.P.No.20711 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.20711 of 2021

P.Ramesh

...

Petitioner

Vs.

1. The Deputy Inspector General of
Registration,
O/o. The Deputy Inspector General
of Registration, Salem Zone, Salem.

2.Menaka

3.Murugan

4.Murali

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the representation dated 23.07.2021 made by the petitioner and pass appropriate orders within a time frame fixed by this Court.



W.P.No.20711 of 2021

For Petitioner : Mr.S.Thirumavalavan
For Respondents : Mr.U.Baranidharan (R1)
Special Government Pleader
Mr.R.Nalliappan (R3)

ORDER

This Writ Petition has been filed seeking a direction to the 1st respondent to consider the representation dated 23.07.2021 made by the petitioner and pass appropriate orders within a time frame fixed by this Court.

2. The learned counsel appearing for the petitioner would submit that initially the 2nd respondent fraudulently sold the subject property by executing the Sale Deed in favour of the 3rd respondent with respect to the subject property on 16.11.2020. Thereafter, the 3rd respondent sold the same property to the 4th respondent by executing the Sale Deed dated 10.05.2021. Further, he would submit that the petitioner is entitled to half share in the subject property and without his knowledge, the entire property, including his share has been sold, thereby depriving his right in the subject property. Therefore, he submitted a representation dated 23.07.2021 to the 1st respondent to enquire into the fraud committed by



W.P.No.20711 of 2021

the 2nd respondent and consequently cancel the aforesaid sale deeds. As the same did not evoke any response, the petitioner has come forward with this writ petition seeking for the aforesaid relief.

3. Learned Special Government Pleader appearing for the 1st respondent would submit that initially representation was filed based on Section 68(2) of the Tamil Nadu Registration Act, 1908. Subsequently, Section 77-A of the Act has been incorporated. Though both the sections empowers the Registrar to cancel the Sale Deed, the Division Bench of this Court in a batch of cases vide Judgment dated 02.08.2024 in W.P.No.10291 of 2022, etc., batch has held that Section 77-A as well as Section 68(2) of the Tamil Nadu Registration Act, 1908 (in short 'the Act') is unconstitutional. Thus, the registering authority has no power to cancel or invalidate the documents already registered and relegated the parties to the Civil Court. Therefore, they are not in a position to consider the representation of the petitioner.

4. Heard both sides. Perused the records.



W.P.No.20711 of 2021

WEB COPY

5. As rightly contended by the learned counsel appearing for the official respondents, once the powers conferred under Section 68 (2) as well as Section 77-A of the Act have been struck down vide the Judgment of the Division Bench of this Court dated 02.08.2024 in W.P.Nos.10291 of 2022, etc., consideration of the representation filed by the petitioner, in view of Sections 68 (2) and Section 77-A will not arise. Therefore, the relief sought for by the petitioner cannot be granted. The right course available to the petitioner is to approach the Civil Court for cancellation of the Sale Deed.

6. In such view of the matter, this Court is inclined to dismiss this Writ Petition. Accordingly, the same is dismissed. No costs.

13.10.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

arr



W.P.No.20711 of 2021

WEB COPY

To

1. The Deputy Inspector General of Registration,
O/o. The Deputy Inspector General of Registration, Salem Zone,
Salem.



WEB COPY



W.P.No.20711 of 2021

KRISHNAN RAMASAMY.J.,
arr

W.P.No.20711 of 2021

13.10.2025



WEB COPY



W.P.No.20711 of 2021