



W.P.No.24562 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.24562 of 2025

V.S.Hemanth Kumar

... Petitioner

Vs.

1. The Sub Registrar,
Ambattur Sub Registrar Office,
MTH Road,
Dunlop Signal,
Ambattur,
Chennai.

2. T.Govindarajan

3. V.Suresh

4. V.V.Leela

5. Kamala Jayaraj

6. Vimala

7. Sasikala

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus, to direct the first respondent to consider the petitioner's representation dated 22.04.2025 under Section 22-B of the Registration Act (as amended by Tamil Nadu Act, 13 of 2021).

For Petitioner : Ms.S.Santhi

For Respondents : Mr.U.Baranidharan
Special Government Pleader for R1

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing first respondent to consider the representation submitted by petitioner on 22.04.2025 under Section 22-B of the Registration Act (as amended by Tamil Nadu Act, 13 of 2021).

2. By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. Since no adverse order is going to be passed, notice to respondents 2 to 7 is dispensed with.

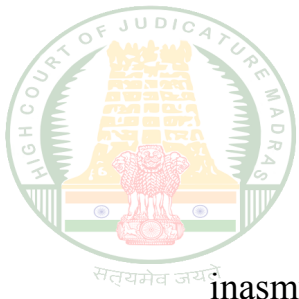


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3. The case of the petitioner is that petitioner's father is one of the co-owners of the property comprised in Old No.437, New No.464, Secretariat Colony, MTH Road, Ambattur, Chennai - 600 053 and the same was inherited from petitioner's late grandfather. It is submitted that the said property was subject matter of partition suit in O.S.No.1503 of 1997 and was disposed on 30.11.2017. It is stated that some of his family members sold their purported shares during the pendency of the partition suit by executing a Power of Attorney registered as Doc.No.5596 of 2006 which led to execution of Sale Deed registered as Doc.No.4376 of 2012 and rectification deed registered as Doc.No.330 of 2016. Hence, petitioner submitted a representation dated 22.04.2025 to first respondent under Section 22-B of Registration Act (Amended Act of 2021) to cancel the above said registrations. Since the same was not considered, the present writ petition has been filed.

4. At the outset, it was submitted by learned Special Government Pleader for first respondent that the present writ petition is misconceived



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inasmuch as once the deed or document has been registered, the cancellation of the same could only be made by the competent civil Court. Therefore, the remedy is to approach the competent civil Court and not to make a representation. Learned Special Government Pleader would further submit that this Court has consistently held that the sale deed or settlement deed cannot be cancelled by the Registering Authority and the power is only vested with the civil Court. Furthermore, Section 22-B of the Registration Act would get attracted prior to registration and not post registration. Inasmuch as the document that are sought to be cancelled was executed sometime in 2012 and 2016 and Section 22-B was introduced on 16.08.2022 and would have no application. He would suggest that petitioner may approach the civil Court for cancellation of sale deed etc.

5. Be that as it may, inasmuch as the representation is in effect, a request for cancellation of sale deed / power of attorney cannot be entertained. I find merit in the submissions of the learned Special Government Pleader appearing for first respondent.



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6. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, it appears that the first respondent does not have the power and jurisdiction to cancel the sale deed / power of attorney. Therefore, the petitioner has to necessarily work out his remedy only before the competent civil Court, in case he is aggrieved.

7. Accordingly, this Writ Petition is disposed of. No costs.

08.07.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To
The Sub Registrar,
Ambattur Sub Registrar Office,
MTH Road,
Dunlop Signal,
Ambattur,
Chennai.



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MOHAMMED SHAFFIQ, J.

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