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W.P.Nos.25311 & 25313 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2025

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.Nos.25311 & 25313 of 2025
an W.M.P.Nos.28496 & 28502 of 2025

Geetha,
W/o.Velusamy,
No.221/1, Annapoorna Lay Out,
New Sithapudhur, Coimbatore – 44.

...Petitioner
in both W.Ps

Versus

- 1.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram, Chennai – 600 028.
- 2.The District Registrar (Administration),
The Office of District Registrar,
Coimbatore, Coimbatore District – 18.
- 3.The Sub-Registrar,
The Office of Sub-Registrar,
Periyanaickenpalayam Sub-Registrar Office,
Railway Feeder Road, Near General Hospital,
Periyanaickenpalayam, Coimbatore – 641 020.
- 4.T.Radhakrishnan,
S/o.Thiruvankadam,
No.43, Muthu Nagar, Masakalipalayam,
Uppilipalayam, Coimbatore – 641 015.



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5.V.R.Rajagopal,
Old Door No.5/85, New Door No.5/66,
Kondayampalayam North Street,
Coimbatore – 641 110.

6.R.Jeyaprakash,
S/o.Rajagopal,
No.2A, Kasturisamy Layout,
Peelamedu, Coimbatore – 641 004.

7.Manisilambu,
S/o.Nanjappan,
No.218, Nallagoundampalayam,
Kaduvettipalayam,
Coimbatore – 641 659.

8.The Inspector of Police,
Kovilampalayam,
Police Station,
Coimbatore.

...Respondents
in both W.Ps

[Respondent No.8 *suo motu* impleaded as per order
dated 17.10.2025 in W.P.No.25311 & 25313 of 2025]

Prayer in W.P.No.25311 of 2025: Writ petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.No.6701/21/2021 dated 22.02.2022 passed by the 2nd respondent and quash the same and direct the 3rd respondent to remove the remarks/entries of the impugned order made in book No.1, which reflected in the encumbrance certificate.



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Prayer in W.P.No.25313 of 2025: Writ petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.No.14396/2/2022 dated 24.04.2023 passed by the 2nd respondent and quash the same and direct the 3rd respondent to remove the remarks/entries of the impugned order made in book No.1, which reflected in the encumbrance certificate.

In both W.Ps

For Petitioner	: Mr.M.Dinesh Sharma
For Respondents	: Mr.U.Baranidharan Special Government Pleader for R1 to R3 Mr.A.Tamilarasan for R4 R5-Died R6-Left No Appearance for R7 Mr.L.Baskaran Government Advocate(Crl.Side) for R8

COMMON ORDER

These writ petitions have been filed by the petitioner seeking to call for the records of the impugned orders in Na.Ka.No.6701/2/2021 dated 22.02.2022 and Na.Ka.No.14396/2/2022 dated 24.04.2023, passed by the 2nd respondent and quash the same and direct the 3rd respondent to remove the remarks/entries of the impugned order made in book No.1, which reflected in the encumbrance certificate.



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2.Learned counsel appearing for the petitioner would further submit that the petitioner purchased the properties measuring to an extent of 10 Cents in New survey No.155/3B & Old Survey Number 155/3, 34 Cents in New Survey No.243/2B2B & Old Survey No.243/2B and 1 Acre 9 Cent in New Survey No.156/3A2 Old Survey No.156/3A situated in Agraharasamakulam Village, Annur Taluk, Coimbatore District, from the 7th respondent through two sale deeds dated 21.08.2019. The 7th respondent acquired the subject properties from the 6th respondent through a sale deeds dated 05.02.2015 & 17.03.2015. The 6th respondent acquired the said properties from his father, the 5th respondent through a settlement deed dated 17.07.2014. The petitioner, only upon verification and after obtaining a legal opinion had purchased the subject properties. While so, the 4th respondent made a complaint dated 02.08.2021 under Section 68(2) of the Registration Act, before the 2nd respondent, to declare the settlement deed dated 17.07.2014, executed by the 5th respondent in favour of the 6th respondent as fraudulent document on the ground that the 5th respondent had already sold the subject properties to the 4th respondent in the year 2001 and once again fraudulently settled the subject properties in favour of his son/the 6th respondent in the year 2014. Based on the said complaint dated 02.08.2021, the 2nd respondent



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declared the settlement deed dated 17.07.20214 as forged document. Further, again the 4th respondent filed a complaint on 15.11.2022, under Section 77-A of the Registration Act, to declare the said settlement deed as null and void. Based on the same, the 2nd respondent vide impugned order dated 24.04.2023, declared the said settlement deed dated 17.04.2014 as null and void.

3.He would further submit that subsequent to the passing of the impugned order dated 24.04.2023 Section 77-A of the Registration Act, the Hon'ble Division Bench Court vide order dated 02.08.2024 in the case of M.Kathirvel Vs. The Inspector General of Registration & others had struck down Section 77-A of the Registration Act, as unconstitutional. Hence, the present writ petition has been filed to set aside the impugned orders.

4.Learned counsel appearing for the 4th respondent would submit that originally the subject properties were owned by the 5th respondent, who sold the same to the 4th respondent vide sale deed dated 09.02.2001. Having sold the subject properties to the 4th respondent on 09.02.2001, the 5th respondent once again executed a settlement deed pertaining to the subject properties in favour of 6th



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respondent, who is the son of the 5th respondent vide settlement deed dated 17.07.2014. Subsequently, the 6th respondent sold the subject properties to the 7th respondent on 05.02.2015 & 17.03.2015 and the 7th respondent in turn sold the same to the petitioner on 21.08.2019. As the subject properties were sold as early as on 09.02.2001, by virtue of the sale deed to the 4th respondent by the 5th respondent, there is nothing left to the 5th respondent to settle the same to the 6th respondent. Therefore, the settlement deed dated 17.07.2014 itself a fraudulent deed and the subsequent sale deeds executed with regard to the subject properties are unlawful and hence, the impugned orders came to be passed declaring the settlement deed as forged document and cancelling the same under Section 68(2) and 77-A of the Registration Act, when Section 77-A was in force. Subsequently, the Hon'ble Division Bench of this Court struck down the Section 77-A of the Registration Act.

5.He would further submit that the fraud committed by the 5th respondent executing the settlement deed in favour of the 6th respondent is apparent and hence the subsequent sale deeds with regard to the subject properties are unlawful and hence, prayed this Court to invoke the extraordinary power under Section 266 of



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the Constitution of India and cancel the settlement deed dated 17.07.2014 and the subsequent sale deeds dated 05.02.2015, 17.03.2015 & 21.08.2019 as per the law laid down by the Hon'ble Supreme Court in the case of ***Asset Reconstruction Company (India) Vs. S.P.Velayutham and Others*** reported in ***(2022) 8 Supreme Court Cases 210***.

6.Learned Special Government Pleader appearing for the Official respondents 1 to 3 would submit that since Section 77-A and 68(2) of the Registration Act was struck down by the Hon'ble Division Bench of this Court, the impugned cancellation order dated 24.04.2023 will automatically becomes void. However, this Court has power to cancel the settlement deed dated 17.07.2014 and the subsequent sale deeds executed by the concerned parties. Hence, he prayed to pass appropriate orders.

7.Heard the learned counsel for the petitioner; learned Special Government Pleader appearing for the respondents 1 to 3 and learned counsel for the 4th respondent and perused the materials available on record.



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8.The case of the petitioner is that he purchased the subject properties by virtue of the sale deeds dated 21.08.2019 from the 7th respondent. The 7th respondent purchased the subject properties through sale deeds dated 05.02.2015 & 17.03.2015 from the 6th respondent, who acquired the said properties by virtue of settlement deed dated 17.04.2014 executed by his father/5th respondent. Therefore, the petitioner is an innocent purchaser who, doesn't aware of the sale deed dated 09.02.2001 executed by the 5th respondent in favour of the 4th respondent, which was also not reflected in the encumbrance certificate. Further, since Section 77-A of the Registration Act has been struck down by the Hon'ble Division Bench of this Court, the impugned order passed under Section 77-A and 68(2) of the Registration Act requires to be declared as null and void

9.As submitted by the learned counsel for the petitioner, certainly the impugned orders passed by the 2nd respondent under Section 77-A and 68(2) of the Registration Act requires to be set aside as non-est in law since the Hon'ble Division Bench of this Court has struck down Section 77-A and 168(2) of the Registration Act. However, in the present case, the fraud committed by the 5th respondent by settling the subject properties in favour of the 6th respondent having



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been sold the properties to the 4th respondent on 09.02.2001 is apparent. The 5th respondent after selling the properties to the 4th respondent vide sale deed dated 09.02.2001, thirteen years later, with the malafide intention, has settled the said properties in favour of his son/6th respondent. The 6th respondent using the settlement deed 17.04.2014, once again played fraud and sold the subject properties to the 7th respondent by virtue of sale deed dated 05.02.2015 & 17.03.2015 and the 7th respondent in turn sold the properties to the petitioner by virtue of sale deeds dated 21.08.2019.

10.The petitioner's plea before this Court is that the the petitioner is innocent and the petitioner is not aware of the sale deed executed by the 5th respondent on 09.02.2001 in favour of the 4th respondent. The petitioner might have not aware of the sale deed dated 09.02.2001 due to the fraudulent acts of the respondents 5 & 6, for which, the sale deed dated 09.02.2001 executed in favour of the 4th respondent cannot be denied. Accordingly, this Court is inclined to cancel the settlement deed dated 17.07.2014 and the subsequent sale deeds dated 05.02.2015, 17.03.2015 and 21.08.2019 by invoking the extraordinary power under Section 226 of the Constitution of India.



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11.Initially, the 5th respondent had sold the subject property to the 4th respondent by virtue of sale deed dated 09.02.2001. Subsequently, the 5th respondent had settled the very same subject property in favour of his son-6th respondent herein, by virtue of settlement deed dated 17.07.2014. Thereafter, subsequent sale have also been made by virtue of sale deeds dated 05.02.2015, 17.03.2015 and 21.08.2019. Therefore, it is clear that all these deeds are executed in fraudulent manner and the same are liable to be cancelled. Since the fraudulent act of the respondents 5 & 6 is apparent, this Court has no hesitation, in invoking the extraordinary power available under Article 226 of the Constitution of India, to cancel the settlement deed dated 17.07.2024 and the subsequent sale deeds dated 05.02.2015, 17.03.2015 and 21.08.2019 with regard to the subject property.

12.For better appreciation the relevant portion of the order made in the case of *Asset Reconstruction Company (India) Vs. S.P.Velayutham and Others* reported in *(2022) 8 Supreme Court Cases 210*, is extracted hereunder:-

“57.In suits for declaration of title and/or suits for declaration that a registered document is null and void, all the aforesaid three steps which comprise the entire process of execution



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and registration come under challenge. If a party questions the very execution of a document or the right and title of a person to execute a document and present it for registration, his remedy will only be to go to the civil court. But where a party questions only the failure of the registering authority to perform his statutory duties in the course of the third step, it cannot be said that the jurisdiction of the High Court under Article 226 stands completely ousted. This is for the reason that the writ jurisdiction of the High Court is to ensure that statutory authorities perform their duties within the bounds of law.

58.It must be noted that when a High Court, in exercise of its jurisdiction under Article 226 finds that there was utter failure on the part of the registering authority to stick to the mandate of law, the Court merely cancels the act of registration, but does not declare the very execution of the document to be null and void. A declaration that a document is null and void, is exclusively within the domain of the civil court, but it does not mean that the High Court cannot examine the question whether or not the registering authority performed his statutory duties in the manner prescribed by law.

59.It is well settled that if something is required by law to be done in a particular manner, it shall be done only in that manner and not otherwise. Examining whether the registering authority did something in the manner required by law or otherwise, is certainly within the jurisdiction of the High Court under Article 226. However,



it is needless to say that the High Courts may refuse to exercise jurisdiction in cases where the violations of procedure on the part of the registering authority are not gross or the violations do not shock the conscience of the Court. Lack of jurisdiction is completely different from a refusal to exercise jurisdiction.”

A perusal of the above would show that the Court sitting in Article 226 of the Constitution of India, can very well cancel the fraudulent deeds executed by the parties concerned.

13. In view of the above, these writ petitions are disposed of by passing the following orders:-

(i) The settlement deed dated 17.07.2014 executed by the 5th respondent in favour of his son/6th respondent in Doc.No.8761/2014 is hereby cancelled.

(ii) The sale deeds dated 05.02.2015 & 17.03.2015 executed by the 6th respondent in favour of 7th respondent in Doc.Nos.2750/2015 & Doc.No.3537/2015 are hereby cancelled.

(iii) The sale deeds dated 21.08.2019 executed by the 7th respondent in favour of the petitioner in Doc.No.12237/2019 & Doc.No.12238 / 2019 are hereby cancelled.



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14.Furthermore, considering the fact that the 4th respondent has already lodged a complaint against the respondents 5 to 7 before the concerned Police, the Inspector of Police, Kovilampalayam, Police Station, Coimbatore, is *suo motu* impleaded as 8th respondent in the present case and the newly impleaded 8th respondent is hereby directed to register FIR and take appropriate action for playing fraud to the extent stated above.

15.With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

17.10.2025

(1/2)

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Index : Yes / No

Internet : Yes / No

Speaking Order / Non Speaking Order

Neutral Citation:Yes/No



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To:-

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1. The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram, Chennai – 600 028.
2. The District Registrar (Administration),
The Office of District Registrar,
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KRISHNAN RAMASAMY, J.

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and W.M.P.Nos.28496 & 28502 of 2025

17.10.2025
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