



W.P. No.26491 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.26491 of 2025

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...Petitioner(s)

vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram,
Chennai-28.

2.The District Registrar,
Office of the District Registrar,
Dharmapuri District.

3.The Sub-Registrar,
Dharmapuri West,
Office of the Sub-Registrar,
Dharmapuri District.

4.Bharathi

5.Vadivukarasi

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 3rd respondent to cancel the sale deed presented on 20.12.2024 and registered on 10.03.2025 vide document No.1458 of 2025 registered on the file of 3rd respondent by considering the representation dated 22.03.2025 given by the petitioner.



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For Petitioner(s) : Mr.M.Sudhan

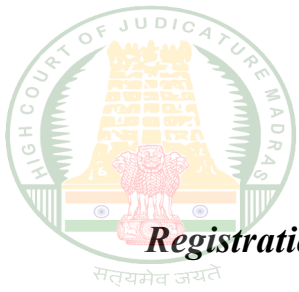
For Respondent(s) : Mr.Abishek Murthy
1 to 3 Government Advocate

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to respondents 4 and 5 is dispensed with.

2. The present writ petition is filed praying for a writ of Mandamus to direct the 3rd respondent to cancel the sale deed presented on 20.12.2024 and registered on 10.03.2025 vide document No.1458 of 2025 on the file of 3rd respondent.

3. At the outset, it is submitted by Mr.Abishek Murthy, learned Government Advocate for respondents 1 to 3 that the above prayer may be difficult to sustain inasmuch as this Court has consistently taken a view that cancellation of sale deed is beyond the jurisdiction of the registering authority. In this regard, learned counsel for respondents would place reliance on the judgment of this Court in the case of *M.Kathirvel v. Inspector General of*



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Registration reported in (2024) 4 CTC 769 wherein, it was held as under:

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“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.”

4. This Court is of the view that a writ of mandamus would lie only when there is inaction on the part of the respondent authority, however, in the present case, the respondent authority may not even have the jurisdiction to cancel the sale deed in terms of the above decision of this Court.

5. In view thereof, this Court is not inclined to entertain the present writ petition. Writ petition stands dismissed. No costs.

28.07.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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MOHAMMED SHAFFIQ, J.



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To:

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