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WP.No.26852 of 2024

In the High Court of Judicature at Madras

Dated : 04.2.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.26852 of 2024

G.Elangoraj, power of attorney
to Smt.R.Kavitha

...Petitioner

Vs

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

2.The District Registrar,
Chennai South, Fanepet,
Nandhanam, Chennai-89.

3.The District Registrar,
Tambaram.

4.The Sub-Registrar,
Guduvancherry.

5.S.Aruna

6.D.Suresh

7.P.Harikrishnan

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1 to 4 respondents to conduct an enquiry against the 5th to 7th respondents related to Document No.4590/2015 dated 06.4.2015 and Document No.16370/2014 dated 04.12.2014 as per representation dated 14.8.2024 conducted an enquiry under Sections 22A and 22B of the



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Registration Act 1908 to cancel the above said sale deed and also time limit may be fixed by this Court.

For Petitioner : Mr.K.Rajendraprasad
For R1 to R4 : Mr.P.Harish, GA
R5 to R7 : Tapal returned

ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus directing respondents 1 to 4 to consider the representation dated 14.8.2024 to conduct an inquiry against respondents 5 to 7 and to cancel Document No.4590 of 2015 dated 06.4.2015 and Document No.16370 of 2014 dated 03.12.2014, which are the sale deed and the power of attorney deed respectively, registered on the file of the fourth respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 to 4.

3. The petitioner earlier filed W.P.No.22399 of 2024 seeking for the same relief when Section 77A of the Registration Act was in force. However, this provision has been held to be bad and a Division Bench of this Court has struck down this provision. As on date, there is no provision available under the Registration Act so as to enable the



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Registering Authorities to cancel any document. In the absence of such source of power, a Mandamus cannot be issued to the official respondents to conduct an inquiry to cancel the documents.

4. When a Writ of Mandamus is issued, a legal right must be available and there must be some corresponding legal duty. In the absence of the same, a Mandamus can never be issued. Useful reference can be made to the judgment of the Apex Court in the case of **Mani Subrat Jain Vs. State of Haryana [reported in 1977 (1) SCC 486]**. In view of the same, in the absence of a right conferred on the Registering Authorities, there is no question of directing them to cancel the documents by issuing a Mandamus under Article 226 of The Constitution of India.

5. In the light of the above discussions, the only other remedy available to the petitioner is to approach the competent civil court by filing a suit. Except giving this liberty, no further orders can be passed in this writ petition.

6. The writ petition is disposed of in the above terms. No costs.

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N.ANAND VENKATESH,J

RS

To

- 1.The Inspector General of
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