



WEB COPY



WP.No.39023 of 2024

In the High Court of Judicature at Madras

Dated : 06.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.39023 of 2024 &
WMP.No.42269 of 2024

E.Munusamy

...Petitioner

Vs

1.The District Registrar (North),
Office of the North Chennai
Sub-Registrar, Kuralagam,
Chennai-108.

2.The Sub-Registrar, Office of
the Sub-Registrar,
Thiruvottiyur, Chennai-19.

3.The Tahsidar, Madhavaram,
Chennai.

4.The Tahsildar, Thiruvottiyur,
Chennai.

5.K.E.Rajan

6.Tmt.Bhavani

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to cancel the fraudulent sale deed dated 06.12.2022 registered as doc.No.10729 of 2022 in the Sub-Registrar Office of Thiruvottiyur by considering the petitioner's representations dated



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02.9.2024 and 04.11.2024 and to endorse the cancellation in the encumbrance certificate within a time period as stipulated by this Court.

For Petitioner : Mr.S.John Josh
For R1 to R4 : Ms.C.Meera Arumugam, AGP

ORDER

The petitioner seeks a direction to respondents 1 and 2 to consider his representations dated 02.9.2024 and 04.11.2024 to cancel the fraudulent sale deed dated 06.12.2022 registered as doc.No.10729 of 2022 on the file of the second respondent in respect of the property measuring 430 sq.ft. bearing old door No.9, new door No.7, old S.No.178/2A (part), new survey No.63, situated at Thiruvottiyur Village.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for respondents 1 to 4.

3. In the light of the judgment of a Division Bench of this Court in the case of ***M.Kathirvel Vs. Inspector General of Registration, Department of Registration and Others [reported in 2024 (4)***



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CTC 769], the prayer sought for by the petitioner cannot be granted, as it has been held by the Division Bench that the Registering Authority has no power to cancel the document unilaterally.

4. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected WMP is also dismissed.

06.1.2025

To

- 1.The District Registrar (North),
Office of the North Chennai
Sub-Registrar, Kuralagam,
Chennai-108.
- 2.The Sub-Registrar, Office of
the Sub-Registrar,
Thiruvottiur, Chennai-19.
- 3.The Tahsidar, Madhavaram,
Chennai.
- 4.The Tahsildar, Thiruvottiur,
Chennai.

RS



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