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W.P.No.38727 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.38727 of 2024

K.Mubarak Basha

....

Petitioner

-Vs-

1.Inspector General of Registration
No.100, Santhome High Road
Pattinapakkam
Chennai 600 028.

2.The District Registrar
Krishnagiri District
Office of the District Registrar
No.1, Tiruvannamalai Road
Krishnagiri-635 001.

3.The Joint Sub Registrar – 2
Office of the Sub Registrar
Tiruvannamalai Road
Krishnagiri-635 001.

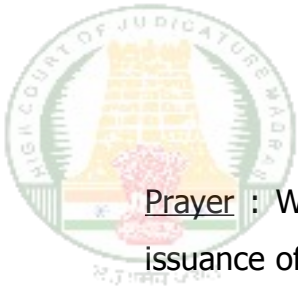
4.S.Mohamed Sadiq

5.K.Ravi

6.R.Vinoth Kumar

7.R.Raghavan

..Respondents



W.P.No.38727 of 2020

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent to cancel the unilateral cancellation Deed No.2640/2020 and restore status quo ante to the General Power of Attorney No.4264/2018, on the file of third respondent.

For Petitioner : Mrs.AL.Ganthimathi
Senior Counsel
for Mr.B.Ram Prasath

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 to R3

Mr.V.Sekar for R4

Mr.E.C.Ramesh for R7

No appearance for R5

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 3rd respondent to cancel the unilateral cancellation deed registered as Document No.2640/2020 and restore the Power of Attorney deed registered as Document No.4264/2018.

2.Heard Mrs.AL.Ganthimathi, learned Senior Counsel for the petitioner, Mr.B.Vijay, learned Additional Government Pleader for R1 to R3, Mr.V.Sekar, learned counsel for R4 and Mr.E.C.Ramesh, learned counsel for R7.



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3. In the considered view of this Court, the respondents do not have any power or jurisdiction to cancel any document since Section 77-A of the Registration Act, has already been held to be unconstitutional by the Division Bench of this Court in ***M.Kathirvel vs. The Inspector General of Registration***, reported in **2024 (4) CTC 769**. Hence, if at all the petitioner has any grievance it can be only to agitated before the competent Civil Court.

4. It is also brought to the notice of this Court that a suit has already been filed by the 5th and 6th respondents in OS.No.194/2022 and the same is pending before the Principal District Judge, Krishnagiri. In this suit, the petitioner has been added as the 2nd defendant. In that suit, one of the relief that has been sought for is to declare the cancellation deed dated 09.09.2020 registered as Document No.2640/2020 as null and void. In view of the same, all the parties can agitate their rights in the pending suit and no further orders can be passed in this writ petition.

5. This writ petition is disposed of in the above terms. No costs.

14.02.2025

Index : Yes/No
NCS : Yes/No
KP



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N.ANAND VENKATESH, J.

KP

To

1. Inspector General of Registration
No.100, Santhome High Road
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Chennai 600 028.

2. The District Registrar
Krishnagiri District
Office of the District Registrar
No.1, Tiruvannamalai Road
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3. The Joint Sub Registrar – 2
Office of the Sub Registrar
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Krishnagiri-635 001

Writ Petition No.36796 of 2024



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