



W.P(MD)No.4703 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.4703 of 2025

Periyakka

..Petitioner

Vs

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

2.The District Registrar,
Dindigul, Dindigul District.

3.The Sub Registrar,
Vedachandur Registrar Office,
Vedachandur Taluk,
Dindigul District.

4.K.Raju

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to cancel the registered document No.1266/1981 dated 18.07.1981 registered by the 3rd respondent in Survey No. 443/6 to an extent of 0.8.00 acres situated in Padiyur Village, Vedachendur Taluk, Dindigul District as without any rights created and forged documents to consider the petitioner's representation dated 21.12.2022 and 07.01.2025 within a period stipulated time by this Court.



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For Petitioner : Ms.A.Charumathi
for Mr.T.Ramasamy

For Respondent : Mr.P.T.Thiraviam
Govt. Advocate (for R1 to R3)

ORDER

The petitioner seeks for issuance of a Writ of Mandamus directing the 2nd respondent to cancel the registered document No.1266/1981 dated 18.07.1981 registered by the 3rd respondent.

2. The petitioner admits that he had executed a document in favour of the fourth respondent on 18.07.1981. She pleads that the fourth respondent had played a fraud on her by stating that he would get an agricultural loan and had taken her thumb impression. Instead of utilizing the said thumb impression for the loan, he registered a sale deed in his name. The petitioner came to know about the sale deed recently. Recently, she applied for a loan. At that time, she applied for the encumbrance certificate. It was then she came to her knowledge that the fourth respondent had played fraud on her and obtained the sale deed. Hence, she lodged an objection to the second respondent to cancel the document. As the second respondent did not take any action, she has filed the present writ petition.



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WEB COPY 3. I have heard Ms.A.Charumathi for the petitioner and Mr.P.T.Thiraviam learned Government Advocate for the respondents 1 to 3.

4. A Division Bench of this Court in **M.Kathirvel vs. Inspector General of Registration and others** reported in **2024(4) CTC 769**, has declared Section 77A of the Registration Act as unconstitutional. When the power has been taken away from the respondents 1 and 2, there cannot be a Mandamus directing them to exercise the power under the provision which has already been declared as unconstitutional. The appropriate remedy for the petitioner is to approach the jurisdictional civil court.

5. Therefore, this writ petition is dismissed. No costs.

21.02.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
skn

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



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V.LAKSHMINARAYANAN, J.

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2.The District Registrar,
Dindigul, Dindigul District.

3.The Sub Registrar,
Vedachandur Registrar Office,
Vedachandur Taluk,
Dindigul District.

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