



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 20063 of 2023

M.R.Srinivasan
S/o.M.Ramachandran,
Old No.4, New No.7, Plot No.1520,
11th West Cross Street, Vyasarpadi,
Mahkavi Bharathi Nagar,
Chennai- 600 039.

Petitioner(s)

Vs

1. The District Registrar,(ADMIN)
Jvc Complex, Icmr, Tiruvellore District,
Tiruvellore- 631 203.

2.The Sub - Registrar Office
Ambattur, Chennai- 600 053.

3.Syed Hussain
S/o.Syed Murath, No.40, Tiruvellore
Street, Navarikuppam Village,
Redhills, Chennai - 600 052.

4.Giriraj
S/o.Perumal, No.94, Narasinghapuram
Street, Villupuram- 605602.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India,, praying to issue a Writ of Mandamus, directing the I respondent to consider and pass orders on the representation of the Petitioner dated 13.02.2023, to pass orders on the Petition dated 20/ 06/ 2022.



For Petitioner(s): Mr.S.Gopinathan

For Respondent(s): Mr.U.Baranidharan, SGP for R1 & 2
Mr.Sam Jayaraj Houston for R4

ORDER

This writ petition has filed to direct the 1st respondent to consider and pass orders on the representation of the Petitioner dated 13.02.2023.

2. The learned counsel for the petitioner would submit that in this case, initially, the 3rd respondent had executed the sale deed dated 19.05.2011 in favour of the petitioner. Subsequently, he executed another sale deed dated 12.07.2013 for the very same subject property in favour of the 4th respondent and registered the same. Hence, the petitioner had filed an application before the respondent, requesting for cancellation of a fraudulent sale deed by invoking the power available to them under Section 77A of the Registration Act, 1908. However, the said application was not considered by the respondent till date. Hence, this petition.

3. In reply, the learned counsel for the respondent would submit that now, the validity of Section 77A of the Registration Act, 1908, was struck down by the Hon'ble Division Bench of this Court vide order dated 02.08.2024 in W.P.No.10291 of 2022. In such case, the said application for cancellation of



fraudulent document cannot be entertained by the respondents. Hence, he would submit that now, the only recourse available to the petitioner is to file a petition before the concerned Civil Court either for cancellation of aforesaid fraudulent document or to declare the same as “null and void”. Thus, he prays for dismissal of this petition.

4. Heard the learned counsel for the petitioner and the respondents and also perused the entire materials available on record.

5. In the case on hand, initially, an application was filed by the petitioner, requesting the respondents to cancel the fraudulent sale deed dated 12.07.2013, by invoking the power available to them under Section 77A of the Registration Act, 1908. The said application was not at all considered by the respondent.

6. As rightly contended by the respondent, the validity of Section 77A and 68(2) of the Registration Act, 1908, was struck down by the Hon'ble Division Bench of this Court vide order dated 02.08.2024 in W.P.No.10291 of 2022. In such case, the respondents will not have any power to cancel the aforesaid fraudulent document.

7. Once the petitioner gains knowledge on the aspect of forged documents, he is entitled to file a criminal complaint, on the aspect of alleged



fabrication of records, in terms of Sections 82 and 83 of the Registration Act, 1908. This aspect was also upheld by the Apex Court in number of Judgments.

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8. When such being the case, this Court directs the petitioner to file a complaint before the concerned Police Authorities with regard to the alleged fabrication of sale deed on the part of the 3rd respondent. With regard to the cancellation of said deed, it is up to the petitioner to file a petition, for cancellation of sale deed, before the appropriate Civil Court.

9. In view of the above, this writ petition is dismissed. No cost.

26-03-2026

nsa

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

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