



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 13749 of 2023

Thiyagarajan
Son of Periyasamy,
5, Vedhachsalam, KK.Nagar,
Tiruchirapalli-620 021.

Petitioner(s)

Vs

1. The District Registrar
Namakkal, Namakkal District.

2.Palanisami
Son of Sengoda Gounder,
No.14, Muthusami Nagar, Earumapatti,
Namakkal.

3.K. Palanisami
D.No.18/72, S.V.A Extension,
Thoondi Karadu, Thiruchangoodu
Taluk, Namakkal District.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to dispose of the petitioners appeal dated 04.07.2022 on the file of the 1st respondent within a stipulated time frame as prescribed by this Hon'ble Court.

For Petitioner(s): Mr.S.Prathosh,
for Mr.R.Jayaprakash

For Respondent(s): Mr.U.Baranidharan, SGP for R1
R2 & 3 N/R/N



ORDER

This writ petition has filed to direct the 1st respondent to dispose of the petitioners appeal dated 04.07.2022.

2. The learned counsel for the petitioner would submit that in this case, the 2nd and 3rd respondents had forged the Power of Attorney deed dated 09.08.2002 and registered the same. Hence, the petitioner had filed an application before the respondent, requesting for cancellation of a fraudulent document 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 Power of Attorney deed dated 09.08.2002, 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. Therefore, now, the 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”.

7. Further, 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.



8. When such being the case, it is needless to state that the petitioner shall file a criminal complaint before the concerned Police Authorities with regard to the alleged fabrication of Power of Attorney deed on the part of the respondents 2 & 3. With regard to the cancellation of said deed, it is up to the petitioner to file a suit for the same before the appropriate Civil Court.

9. In view of the above, this Court is inclined to dismiss the present petition. Accordingly, 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

The District Registrar
Namakkal, Namakkal District.



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KRISHNAN RAMASAMY J.
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