



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

CORAM

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 46279 of 2025

V.Venkatesan

S/o. Late Podiyappa @ Venkatappa,
No.2/736/5, NGGO Colony,
Bagalur Road, Hosur Taluk,
Krishnagiri District 635 109.

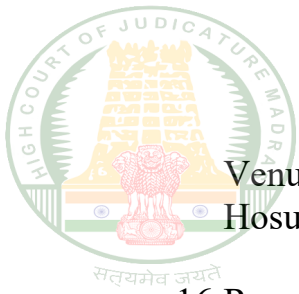
..Petitioner(s)

Vs

1. Inspector General Of Registration
Santhome, Mylapore,
Chennai - 28.
2. Deputy Inspector General of Registration,
Combined Buildings,
Kamarajar Colony,
Ammapettai, Salem - 636 014.
3. The District Registrar,
District Registrar Office,
Krishnagiri - 635 001.
4. The Sub-Registrar
Office of the Sub Registrar,
Shoolagiri - 635 117
Krishnagiri District.
5. Krishnan @ Krishnappa @ Krishnamoorthy,
S/o. Late Podi @ Venkatappa, Door No.505,
Kamandoddi,
Shoolagiri Taluk,
Krishnagiri District 635 109.
6. Deepika D/o.Krishnamoorthy
Door No.505, Kamandoddi,
Shoolagiri Taluk,
Krishnagiri District 635 109.
7. Praveen Kumar S/o.Krishnamoorthy
Door No.505, Kamandoddi,
Shoolagiri Taluk,
Krishnagiri District 635 109.



8. R.Chinnappa,
S/o. Rajappa,
Dhasanapuram Village,
Thorippalli Post,
Hosur Taluk - 635 130,
Krishnagiri District.
9. Krishnappa,
S/o. Mallappa,
Kammandoddi Village and Post,
Hosur Taluk - 635 130,
Krishnagiri District.
10. Syed Humayun,
S/o. Syed Mohiden,
Door No.43, Gurupanpalaya 8th Main,
Bennergatta Road, Bangalore 560 029.
11. Naseerahmed Khan,
S/o. Basherahmed Khan,
Rahamath Manzil, 3 Main,
Gurappana Palya,
Bangalore 560 029.
12. Syed Zabiulla,
S/o. Late Syed Mahabupu,
Sarjapura Post and Taluk,
Anekal, Bangalore 562 106.
13. Sanaullakhan,
S/o. Rahamathullakhan,
Door No.976, Sarjapura Post and Taluk,
Anekal, Bangalore 562 106.
14. Kavitha,
W/o. Vedyappan,
Karumapatti Village,
Kundalapatti,
Krishnagiri Taluk and District -635 112.
15. Deepak Vaishnav,
S/o. Shyam Sundar Vaishnav,
Door No.33/22 - A2,



Venugopal Swamy Street,
Hosur Taluk, Krishnagiri - 635 109.

16. Ramesh,
S/o. Muniraj,
Door No.247,
Venkatesh Nagar,
Hosur Town and Taluk,
Krishnagiri - 635 109.

17. Mohammed Saleem,
S/o. Mohammed Gowse,
Door No.3, Basava Temple Street,
Adukodi, Bangalore 560 030.

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings dated 03.07.2023, having reference No.Na.Ka.No.1327/U/2023 passed by the 3rd Respondent, quash the same and consequently direct the 4th respondent to restore the Settlement deed dated 22.02.2008 registered as Doc No.722/2008 and remove the entries made in the Schedule II.

For Petitioner(s):

Mr.R.Bharath Kumar

For Respondent(s):

Mr.DOMINIC S.DAVID, Government Counsel for
R1 to R4

Mr.B.Mohan for R7

Mr.P.Dinesh Kumar for R8 and R6

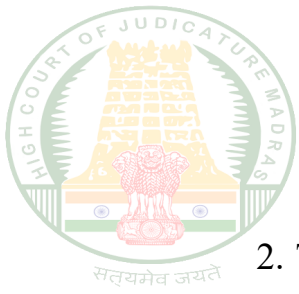
Notice served-NA-R4,6,14,15 and 16

R9-left

R10 to 13 and 17-N/R/N

Order

This Writ Petition has been filed to quash the impugned proceedings passed by the 3rd Respondent, whereby the Settlement Deed executed in favour of the petitioner was cancelled and consequently direct the 4th respondent to restore the Settlement deed dated 22.02.2008 and remove the entries made in the revenue records.



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2. The learned counsel for the petitioner submitted that a larger extent of 13 acres of land, comprised in several survey numbers, originally belonged to the petitioner's late father, Podiyappa @ Venkatappa. During his lifetime, the father executed a registered Will dated 03.08.1973 in favour of his minor sons, who are the petitioner and the 5th respondent herein. Following the demise of the petitioner's father, the petitioner, along with his mother and the 5th respondent, remained in peaceful possession of the property. However, the 5th respondent subsequently and arbitrarily conveyed an extent of around 5.50 acres out of the total 13 acres to third parties, who are arrayed as respondents 8 to 17 herein. Consequently, the petitioner's mother executed a Settlement Deed dated 22.02.2008 in favour of the petitioner, conveying an extent of 5.27 acres out of the subject property. In these circumstances, the 5th respondent filed an application before the 3rd respondent seeking cancellation of the said Settlement Deed dated 22.02.2008. Following an enquiry, the 3rd respondent passed the impugned proceedings dated 03.07.2023, whereby the settlement deed, the documents executed by the 5th respondent, and the subsequent deeds executed by the purchasers were cancelled. Aggrieved by the unilateral cancellation of the Settlement Deed by the 3rd respondent via the impugned order, the petitioner has preferred the present writ petition.

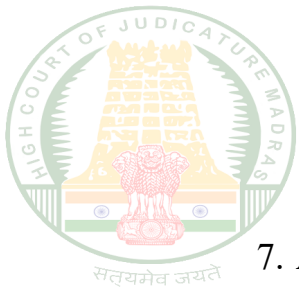


3. Learned counsel for the petitioner further submitted that the 3rd respondent has no jurisdiction to conduct any enquiry regarding the validity of any document, in view of the provisions under Section 68(2) and 77A of the Registration Act having already been struck down. Therefore, the 3rd respondent / District Registrar has no authority to conduct any enquiry with regard to cancellation of any documents before the Sub Registrar.

4. Learned counsel for the respondents also fairly submitted that in view of striking down of the aforesaid provisions of the Registration Act, the District Registrar has no power to cancel any documents registered before the Sub Registrar.

5. Heard both sides and also perused the materials available on record.

6. The documents once registered and released by the Registering Authority, and if any person aggrieved from and out of such registration on account of impersonation, fraud etc., he has to approach the competent civil Court or if any order was passed without jurisdiction before this Court, for cancellation of the documents/instruments or to prosecute the offenders under the criminal law by following the procedures as contemplated.



7. A Division Bench of this Court, in **S.S. Gayathri Bai v. The District Registrar, Krishnagiri and Others** [2025 SCC OnLine Mad 8649], while dealing with a similar issue, held as follows: :

“16. Referring to Rule 54 and Rule 55 of the Registration Rules, the said Rules contemplate the procedures to be followed before the Registration. Chapter XI with reference to Section 35 of the Registration Act, 1908 contemplates the procedures on admission and denial of execution of the documents. Rule 54 and Rule 55 of the Registration Rules, 1908 deal with Enquiry before registration. Therefore, the said Rules empower the Registering Authority to verify the document, identity etc., before the registration of documents. However, the said Rules are of no avail to the Appellant/Petitioner herein since the Sale Deed had been registered and thereafter the Appellant/Petitioner came to know that her property was alienated through alleged impersonation.

17. Once a document is presented before the Registering Authority, and the Authority if find any irregularities/illegalities, powers are vested under the Act for initiation of action.

18. Therefore, in normal circumstances, documents once registered and released by the Registering Authority, and if any person aggrieved from and out of such registration on account of impersonation, fraud etc., he has to approach the competent civil Court for cancellation of the documents/instruments or to prosecute the offenders under the criminal law by following the procedures as contemplated. The enquiry to be conducted by the Registering Authority or the District Registrar or the Inspector General of Registration as the case may be



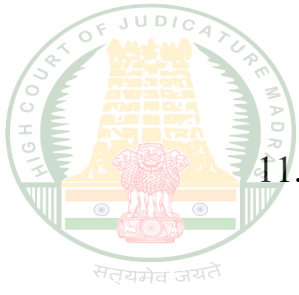
confined with reference to the procedures to be followed and in the context and scope of the Registration Act, 1908, Rules and certainly not beyond that. “

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8. In view of the settled legal position, if fraud is detected *prior* to registration, the Registering Authority is empowered to take cognizance. However, in the present case, the documents have already been registered and released.

9. As rightly pointed out by the counsel for the respective parties, in the present case, in view of striking down of Section 77A and 68(2) of the Act, the District Registrars have no authority for conducting enquiry and to pass orders on the same and hence, the impugned proceeding of the 3rd respondent is liable to be set aside.

10. Accordingly, the impugned order dated 03.07.2023 passed by the 3rd respondent cancelling the Settlement Deed is hereby set aside and the Settlement Deed executed on 22.02.2008 is hereby restored on the file of the 4th respondent.



11. In view of the above, the writ petition is allowed. No costs.

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(1/2)

Index: Yes/No

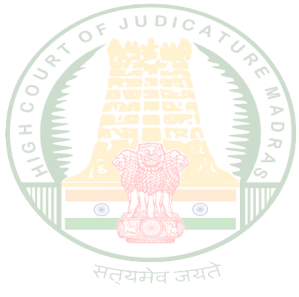
Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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Santhome, Mylapore,
Chennai – 28.
2. Deputy Inspector General of Registration,
Combined Buildings,
Kamarajar Colony,
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KRISHNAN RAMASAMY J.

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