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W.P.(MD)NO.6380 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6380 of 2022 AND

W.M.P.(MD)No.4974 of 2022

1. Rajalakshmi

2. S.Muthukumar

... Petitioners

Vs.

1. The Deputy Inspector General of Registration,
Madurai Region, Madurai.

2. The District Registrar(Admin),
Madurai South, Madurai.

3. The Sub Registrar,
O/o.The Sub Registrar,
Tirumangalam,
Madurai District.

4. PJegadeeshan

5. PJeyabal

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order in Na.Ka. No.6951/AA4/2021 dated 28.02.2022 passed by the 1st respondent and quash the same in so far as the observation



made in the impugned order dated 03.09.2021 in Na.Ka. No.1594/A2/2021 passed by the 2nd respondent in respect of document No.3650/203 and 3651/2013 registered on the file of the 3rd respondent by holding as fraudulent documents and consequential direction of not to register any document based on the above documents.

For Petitioners : Mr.T.Antony Arulraj

For R-1 to R-3 : Mr.M.Sidharthan,
Additional Government Pleader.

For R-4 : Mr.N.Vallinayagam

* * *

ORDER

Heard both sides.

2. The petition-mentioned documents were executed in the years 2005, 2007 and 2013. The private respondents wanted to have the said documents to be cancelled. The authorities rightly came to conclusion that the registering authority will not have power to cancel the registered documents. It has been so held by the Hon'ble Supreme Court of India in the decision reported in (2016) 10 SCC 767 (**Satya Pal Anand vs State Of M.P. And Ors**). But the authorities they have declared the aforesaid documents as fraudulent. The registering authority under the Registration Act had



relied on the following circulars:-

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“1. பதிவுத்துறைத் தலைவர், சென்னை அவர்களின் சுற்றறிக்கை எண்.41530/U1/2017, நாள் 08.11.2017.

2. பதிவுத்துறைத் தலைவர், சென்னை அவர்களின் சுற்றறிக்கை எண்.41530/U1/2017, நாள் 31.12.2018.

3. பதிவுத்துறைத் தலைவர், சென்னை அவர்களின் சுற்றறிக்கை எண்.20217/U1/2021, நாள் 09.07.2021.□

3. I have held in more than one case that the said circulars would not have retrospective operation. When the petition-mentioned documents were executed and registered before the issuance of the aforesaid circulars, the authorities could not have declared the documents as fraudulent. In this view of the matter, the order impugned in this writ petition is set aside. This writ petition stands allowed. It appears that the contesting respondents had filed a civil suit. The rights of the parties will abide by the outcome of the civil suit. No costs. Consequently, connected miscellaneous petitions are closed.

11.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN,J.

PMU

To:

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