

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.1104 of 2015 and  
M.P.No.1 of 2015

G.Tamilarasan

...Petitioner

Versus

1.The Sub Registrar,  
Cheyur Sub-Registration Office,  
Cheyyur, Kancheepuram District.

2.Ganesan

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Declaration, declaring the cancellation of Settlement Deeds both dated 31.12.2013 in Doc.No.5414/2013 and Doc.No.5415/2013 on the file of the first respondent herein executed unilaterally by the second respondent as null and void.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.V.Jayaprakash Narayanan  
Special Government Pleader for R1

O R D E R

Heard Mr.G.Magesh Kumar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the first respondent.

2. The petitioner seeks for a writ of declaration, to declare the cancellation of Settlement Deeds both dated 31.12.2013 in Doc.No.5414/2013 and Doc.No.5415/2013 on the file of the first respondent herein executed unilaterally by the second respondent as null and void.

3. The petitioner is the son of the 2nd respondent. According to the petitioner, his father viz., the 2nd respondent has no legal right over the property settled in his favour on 04.09.2013 and

original documents and possession were also handed over to him in respect of the said property. The petitioner would state that the Registering Authority without conducting any enquiry, uni-laterally cancelled the document and hence, the same is null and void.

4. In the light of the recent decision of the Hon'ble Full Bench in the case of *Latif Estate Line India Ltd., v. Hadeeja Ammal* reported in 2011(2) CTC 1, the relief sought for cannot be granted.

5. However, in cases where there is allegation of impersonation, fraud or illegal registration, a Circular has been issued by the Inspector General of Registration vide Circular No.67 dated 03.11.2011. By virtue of the said circular, the District Registrar of the region is empowered to enquire into the complaints and proceed to consider the matter. The said circular was challenged in a batch of Writ Petitions before this Court contending that there is no power vested with the Inspector General of Registration for issuance of the said circular. The challenge to the said circular was rejected by this Court in the case of *Ramasamy Vs. State of Tamil Nadu* reported in 2014(4) CTC 627. The power has been upheld by virtue of this circular, until a suitable law is enacted with regard to the scope of jurisdiction for enquiring into such a fraudulent transaction.

6. In the light of the above, while declining to grant the relief sought for in this Writ Petition, liberty is granted to the petitioner to file appropriate application before the District Registrar of the concerned area along with a copy of this order setting out his grievances. If such application is submitted, the District Registrar concerned, shall issue notice to the petitioner as well as the second respondent and any other persons, who are likely to be aggrieved and thereafter conduct enquiry after hearing the parties in person, shall pass a reasoned order on merits and in accordance with law, within a period of two months from the date on which application is being filed.

The writ petition stands dismissed with the above direction. No costs. Connected miscellaneous petition is closed.

svki

-s/d-

Assistant Registrar (CS-II)

Dt:3/2/2015

True Copy

Sub-Assistant Registrar

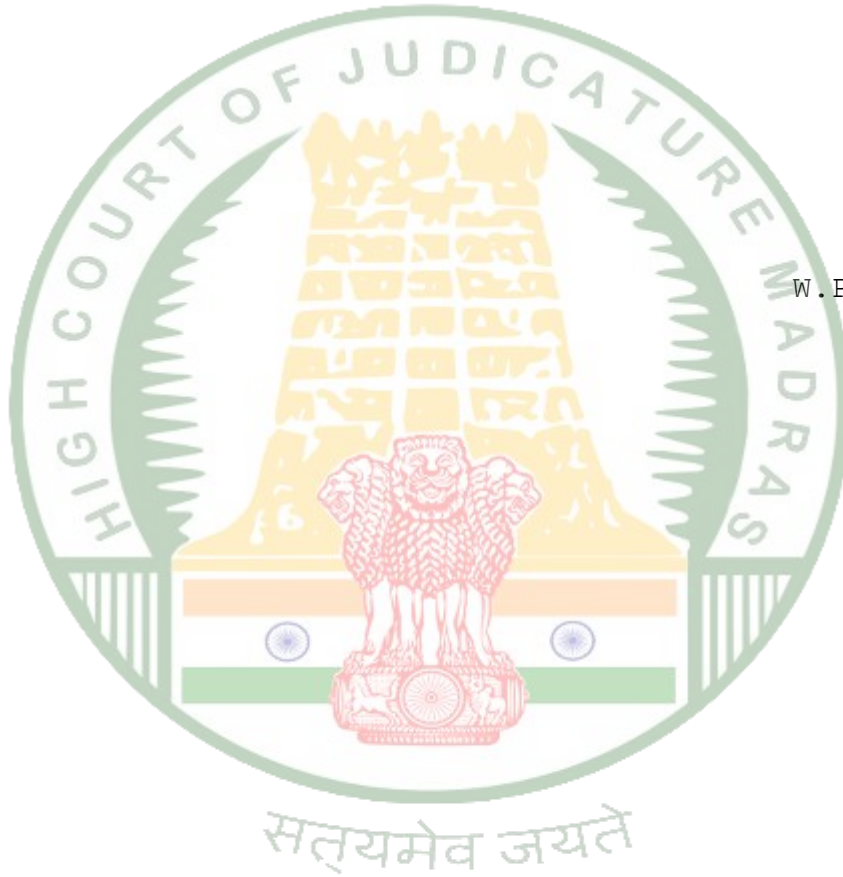
To

The Sub Registrar,  
Cheyur Sub-Registration Office,  
Cheyyur, Kancheepuram District.

+ 1 cc to Mr.G.Mageshkumar, Advocate SR 2936

+ 1 cc to the Government Pleader, High Court, Madras SR 2499

mp(co)  
prk6/2



W.P.No.1104 of 2015

WEB COPY