

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.39887 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

This Writ Petition is filed alleging inaction on the part of respondents 2 to 4 in considering the petitioner's representation, dated 14.09.2015, seeking cancellation of registered sale deed vide document No.9158 of 2014. The petitioner alleges that the very execution and registration of the said document is fraudulent and the same deserves to be cancelled.

During hearing, learned counsel for the petitioner, however, did not press the relief with regard to cancellation, as the legal position does not permit respondents 2 to 4 to cancel a registered document under the provisions of the Registration Act, 1908 and the only remedy for the aggrieved person is to move an appropriate suit under Section 31 of the Specific Relief Act, 1963.

Hence, the relief to the extent of consideration of the representation, dated 14.09.2015, of the petitioner for cancellation of the document in question does not arise. Alternatively, learned counsel for the petitioner states that when fraud and mis-representation is brought to the notice of the respondents, they have to examine the matter and take appropriate steps, including as to whether Sections 82 and 83 of the Registration Act, 1908 are attracted. However, that is a matter for enquiry by the respondents 2 to 4 to satisfy and no directions in that regard can be given except directing the respondents to examine the petitioner's representation, referred to above, and if it contains any merit, take appropriate decision in the matter.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

09.12.2015

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