

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.27350 of 2017

E.Vijayalakshmi

.. Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
District Registration Office,
No.54, Nelukkaran Street,
Kancheepuram - 631 502.

3. The Sub-Registrar,
Sirperambudur Sub Registrar Office,
16/8, Chetty Street,
Sriperumbudur,
Kancheepuram - 602 105

4. G.Ravanan

5. R.Kavitha

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 03.08.2017 and dispose of the same in accordance with law and Circular No.67 dated 03.11.2011 in C/No.52338/C1/2011 for cancellation of fraudulent transfer made in respect of land to an extent of 1.33 Hectare comprised in Survey No.243/2A of Vadakal 'B' Village, Sriperumbudur Taluk, Kancheepuram District within the time to be stipulated by this Court.

For Petitioner : Mr.R.Arunkumar

For Respondent : Mr.E.Balamurugan
Additional Government Pleader
for R1 to R3.

O R D E R

The petitioner seeks for a direction to the 2nd respondent to consider the petitioner's representation dated 03.08.2017 and dispose of the same in accordance with law and Circle No.67 dated 03.11.2011 in C/No.52338/C1/2011 for cancellation of fraudulent transfer made in respect of land to an extent of 1.33 Hectare comprised in Survey No.243/2A of Vadakal 'B' Village, Sriperumbudur Taluk, Kancheepuram District, within the time to be stipulated by this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government pleader appearing for the respondents 1 to 3.

3. Though the present writ petition is filed seeking for disposal of the petitioner's representation dated 03.08.2017 in the light of the Circular No.67 dated 01.11.2011, it is seen that the petitioner sent a representation seeking for cancellation of the document, which according to him was made fraudulently by the 4th respondent in favour of the 5th respondent.

4. This Court is not inclined to entertain the present writ petition without going into the merits of the contentions raised by the petitioner for two reasons. Firstly, the very Circular No.67 dated 03.11.2011 is withdrawn by the Inspector General of Registration through its recent Circular dated 20.10.2017. Secondly, the issue with regard to the cancellation of the document by the Registering Authority has already been considered by the Apex Court in [(2016) 10 SCC 767], Satya Pal Anand V. State of Madhya Pradesh, wherein it has been observed that it is only the competent Civil Court can go into such question and none of the authorities or officers under the Registration Act, 1908, have power in that regard. Therefore, it is for the petitioner to agitate the matter before the competent Civil court. Granting such liberty, the writ petition is dismissed as not maintainable. No costs.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

vsi

To

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
District Registration Office,
No.54, Nelukkaran Street,
Kancheepuram - 631 502.

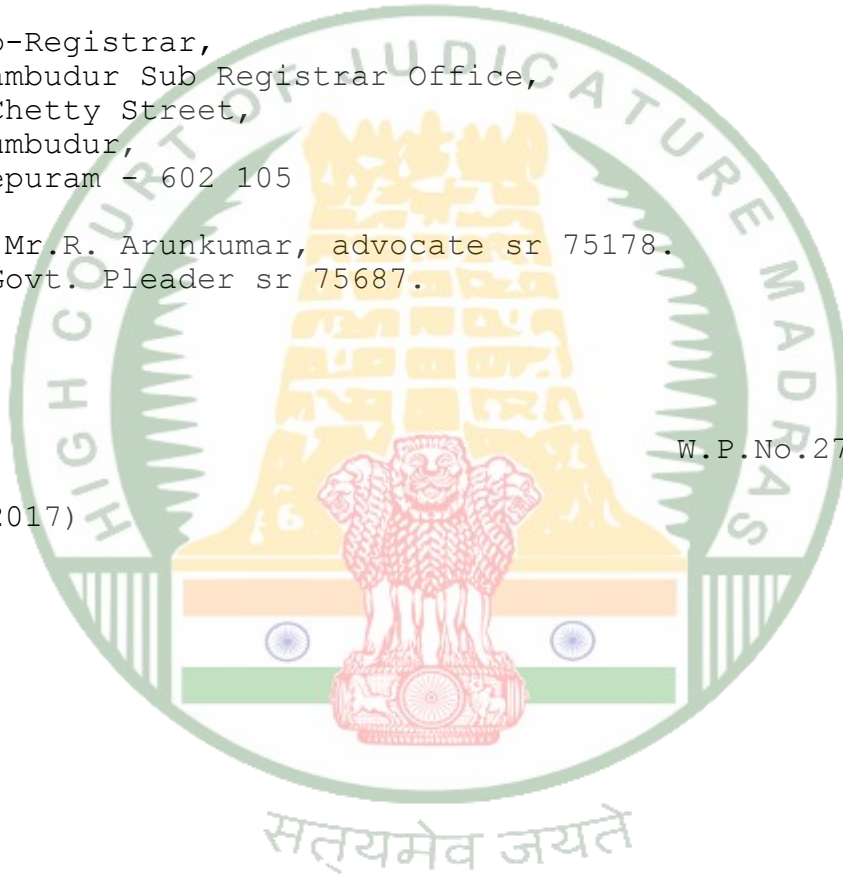
3. The Sub-Registrar,
Sirperambudur Sub Registrar Office,
16/8, Chetty Street,
Sriperumbudur,
Kancheepuram - 602 105

+2 Ccs to Mr.R. Arunkumar, advocate sr 75178.

+1 Cc to Govt. Pleader sr 75687.

W.P.No.27350 of 2017

SP(03/11/2017)



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