

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2017

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM
and
THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

W.P.No.2399 of 2013
and
M.P.Nos.1 to 3 of 2013

1.S.Subramanian
2.V.P.Govindaswamy ...Petitioners

Vs

1. The Inspector General of Registration,
Santhome, Chennai-28.
2. The District Registrar,
Registration Department,
Thirupur District, Thirupur.
3. Pushpa Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records of Circular No.67/2011 dated 03.11.2011 [C.No.52338/C1/2011] issued by 1st respondent and quash the same and consequently call for the records of the 2nd respondent dated 27.08.2012 as made in Na.Ka.No.875/A1/2012 and quash the same and consequently direct the respondents to restore the entries in the relevant indexes in respect of document No.3994/2009 dated 14.09.2009 on the file of the Sub Registrar, Thottipalayam, as it stood prior to date of impugned order dated 19.06.2012.

For Petitioners : Mr.V.Manisekaran

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader
for R1, R2
No Appearance for R3

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for records relating

to Circular No.67/2011 dated 03.11.2011 issued by the first respondent and consequential order dated 27.08.2012 passed in Na.Ka.No.875/A1/2012 by the second respondent and quash the same, by way of issuing Writ of Certiorarified Mandamus.

2.The learned counsel appearing for the petitioners has contended to the effect that the first petitioner is a power agent of the owner of the property and he executed a registered Sale Deed dated 14.09.2009 in favour of the second petitioner. The third respondent being one of the co-owners, has given a representation to the second respondent so as to annul the Sale Deed dated 14.09.2009, by virtue of Circular No.67 dated 03.11.2011 and the second respondent, even without having such powers of setting aside or annulment, has erroneously passed the impugned order dated 27.08.2012 in respect of Sale Deed dated 14.09.2009. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned Additional Government Pleader has submitted a Circular dated 20.10.2017, issued by the Government of Tamil Nadu, wherein, it is clinchingly stated to the effect that Circular No.67 dated 03.11.2011 has already been withdrawn.

4.It is an admitted fact that in pursuance of Circular No.67 dated 03.11.2011 and also on the basis of representation made by the third respondent, the second respondent has annulled/set aside the Sale Deed dated 14.09.2009, by virtue of the impugned order dated 27.08.2012.

5.Considering the fact that Circular No.67 dated 03.11.2011 has already been withdrawn by the Government of Tamil Nadu and also considering the consequential order passed by the second respondent only in pursuance of the said Circular, this Court is of the view that the impugned order passed by the second respondent on 27.08.2012 in Na.Ka.No.875/A1/2012 is liable to be quashed and further, as per Section 83 of the Registration Act, 1908, such powers of revocation/setting aside are not vesting with the second respondent. Therefore, this Court is inclined to pass the following order:

In fine, this Writ Petition is allowed in part without cost. The impugned order dated 27.08.2012 passed in proceedings No.875/A1/2012 by the second respondent is quashed. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gya

To

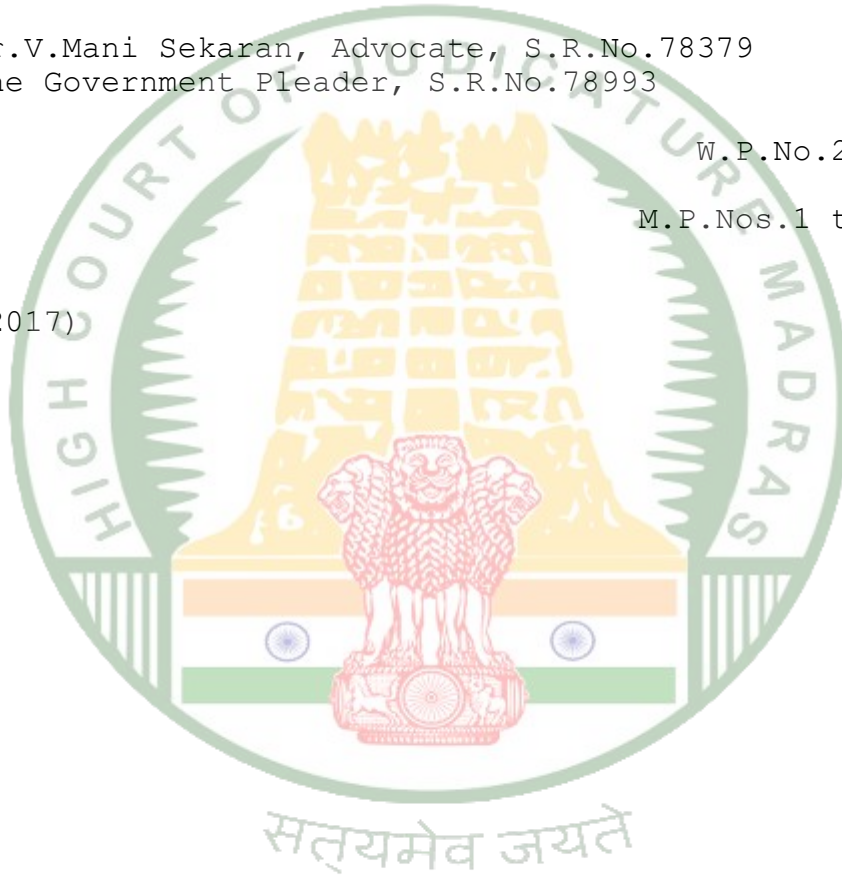
1. The Inspector General of Registration,
Santhome,
Chennai-28.
2. The District Registrar,
Registration Department,
Thirupur District, Thirupur.

+1cc to Mr.V.Mani Sekaran, Advocate, S.R.No.78379

+1cc to the Government Pleader, S.R.No.78993

W.P.No.2399 of 2013
and
M.P.Nos.1 to 3 of 2013

MP (CO)
CA(15/11/2017)



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