



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.367 of 2018

1.R.Senthilkumar
2.R.Jeyalakshmi
3.R.Muthulakshmi

... Petitioners

Vs.

1.The District Registrar,
Sivagangai,
Sivagangai District.

2.The Sub Registrar,
Manamadurai Town and Taluk,
Sivagangai District.

3.Ushadevi
4.D.Muruganantham
5.B.Saritha

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the respondents 1 & 2 to cancel two registered fraudulent sale deeds in Document Nos.2169/2017 and 2170/2017 dated 14/12/2017 which stand in the name of the respondents 4 and 5 and consequently to remove or delete the entries contained in the two encumbrance certificates.

For Petitioners : Mr.V.Lakshmanan

For R1 and R2 : Mr.M.Rajarajan
Government Advocate

ORDER

This writ petition has been filed seeking direction to the respondents 1 and 2 to cancel the two registered fraudulent sale deeds in Document Nos.2169/2017 and 2170/2017 dated 14.12.2017 which stand in the name of the respondents 4 and 5 and consequently to remove or delete the entries made in the two encumbrance certificates.



2. Heard Mr.V.Lakshmanan learned counsel appearing for the petitioners and Mr.M.Rajarajan, learned Government Advocate for the respondents 1 and 2. Notice to the respondents 3 to 5 is dispensed with in view of the nature of the order to be passed by this Court.

3. According to the petitioners, the third respondent, who is not the original owner of the property has executed two sale deeds in favour of the respondents 4 and 5 before the second respondent. The second respondent also without considering the petitioners' objections and also without verifying other relevant documents has mechanically registered the sale deeds. Hence, this writ petition has been filed to cancel the said sale deeds.

4. It is a settled principle of law that the Registrar has no power to cancel the settlement deed. The Hon'ble Supreme Court in 2017 1 CTC 414 (SC) (Satya Pal Anand Vs.State of M.P) has held that the Registrar has no power to cancel any settlement deed. Pursuant to the above judgment, guidelines have been issued by the Inspector General of Registration dated 08.11.2017. In the above circumstances, the prayer sought by the petitioner cannot be granted. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The District Registrar,
Sivagangai,
Sivagangai District.

2.The Sub Registrar,
Manamadurai Town and Taluk,
Sivagangai District.

+One cc to M/s.V.Lakshmanan, Advocate, SR.No.41179
+One cc to The Special Government Pleader, SR.No.41755

mj

RL/5C/2P/SKN/RSK/SAR1/29/1/2018

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