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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P.(MD)No.17606 of 2019

Dr.R.Gogulan

... Petitioner

-Vs-

1.The District Registrar,
Contonment,
Trichy, Trichy District.

2.The Sub Registrar,
Srirangam,
Trichy District.

3.A.Kavitha

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take appropriate action and cancel the document dated 19.07.2013 bearing No.2139/2013 cancelling the settlement executed by the third respondent in favour of the petitioner on 15.10.2010 bearing document No.2773 of 2010 by initiating appropriate action under Sections 82, 83 and 67 of the Registration Act as well as a circular bearing letter No.41530/U1/2017 dated 08.11.2017 issued by the Inspector General of Registration, Chennai within a stipulated time fixed by this Court by considering the representation of the petitioner, dated 19.08.2016.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.V.Anand (for R1 & R2)

Government Advocate

ORDER

The prayer sought for in this writ petition is that, to direct the respondents 1 and 2 to take appropriate action and cancel the document, dated 19.07.2013, bearing No.2139/2013 cancelling the settlement executed by the third respondent in favour of the petitioner on 15.10.2010, bearing document No.2773 of 2010 by initiating appropriate action under Sections 82, 83 and 67 of the Registration Act as well as a circular bearing letter No.41530/U1/2017, dated 08.11.2017 issued by the Inspector General of Registration, Chennai, within a time to be stipulated by this Court by considering the representation of the petitioner, dated 19.08.2016.



2. Heard Mr.S.C.Herold, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to her is dispensed with.

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3. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4. In respect of the property at Plot No.107 at Narayana Garden, Thalakudi Village, Trichy District, the petitioner had given a representation to the second respondent to conduct an enquiry and cancel the document in Doc.No.2139 of 2013.

5. The learned counsel for the petitioner submits that, if the said representation is decided by the second respondent, the petitioner would be satisfied.

6. I have heard Mr.V.Anand, learned Government Advocate for the respondents 1 and 2, who submits that, if at all, any representation, as the one filed by the petitioner, is made to the Registrar or Sub-Registrar concerned regarding the genuinenity of the document which is registered, only the limited enquiry under Section 68(2) of the Registration Act can be made and thereafter, based on the enquiry, report would be submitted to the District Registrar, who would initiate action against the erring officials of the Registration Department and insofar as the cancellation of the document is concerned, the power is not vested with the Registration Department and for the said purpose, the parties have to approach only to the competent civil Court.

7. I have concerned the said submissions made by both sides and as has been rightly pointed out by the learned Government Advocate appearing for the respondents 1 and 2, the second respondent, if at all, to consider the representation of the petitioner dated 02.08.2019, he can only conduct limited enquiry under Section 68 (2) of the Registration Act and file report to the higher authority and insofar as the cancellation of the deed in question is concerned, it is for the petitioner to approach the competent civil Court by filing an appropriate proceedings and seeks remedy therein and the cancellation of deed cannot be made by the second respondent. In that view of the matter, this Court is inclined to dispose of this writ petition with the following directions:-

"that the first respondent is hereby directed to conduct an enquiry under Section 68(2) of the Registration Act and for the said purpose, the representation dated 02.08.2019 given by the petitioner to the second respondent shall be forwarded by the



second respondent to the first respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of same, the first respondent is directed to complete the enquiry and if anything found against the official/Registrars of the department, action shall be taken under Section 83 of the Registration Act and while conducting an enquiry, the first respondent shall issue notice to the petitioner as well as the third respondent and after hearing them, final order shall be passed, within a period of eight weeks, thereafter and insofar as the cancellation of the deed is concerned, the issue shall be established by the party i.e., the petitioner before the competent civil Court."

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Registrar,
Contonment,
Trichy, Trichy District.

2.The Sub Registrar,
Srirangam,
Trichy District.

+1 CC to MR.S.C.HEROLD SINGH, Advocate (SR-81041[F] dated 09/08/2019)

+1 CC to MR.SPL GP (SR-81469[F] dated 13/08/2019)

W.P. (MD)No.17606 of 2019

09.08.2019

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