

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.18728 of 2020

R.Sussela

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Velapadi,
Vellore,
Vellore District - 632 001

2.The District Registrar(Administration)
Velapadi,
Vellore,
Vellore District - 632 001

3.The Sub-Registrar,
Office of Sub-Register,
Katpadi,
Vellore District.

4.G.Murali

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus Call for the records of the 2nd respondent order No.5841/A2/2019 dated 03/08/2020 quash the same and consequently cancel the document No.3518/2009 dated 29/04/2009 on the file of 3rd respondent.

For Petitioner : Mr.S.Gunaseelan

For Respondents: Mr.T.M.Pappiah

Special Government Pleader

[For R1 to R3]

ORDER

This Writ Petition has been filed, challenging the impugned order passed by the 2nd respondent dated 03.08.2020 and for a consequential direction to the 2nd respondent to cancel the document registered in Document No.3518/2009.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The case of the petitioner is that the 4th respondent has registered a release deed dated 29.04.2009. The further

case of the petitioner is that the 4th respondent is a tenant in the subject property and that the petitioner is the owner of the property. The further case of the petitioner is that the 4th respondent without any right or title over the property had created a release deed and registered the document on the file of the 3rd respondent on 29.04.2009. It is further stated that the petitioner has also filed a suit against the 4th respondent for eviction and for permanent injunction before the District Munsif Court, Katpadi in O.S.No.68 of 2012 and the same is pending.

3. The petitioner made a representation to the 2nd respondent to cancel the release deed executed by the 4th respondent and the same was rejected by the 2nd respondent by virtue of the impugned proceedings. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mr.S.Gunaseelan, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondent 1 to 3.

5. In the considered view of this Court, the 2nd respondent has given cogent reasons for rejecting the claim made by the petitioner. This Court does not find any illegality or infirmity in the order passed by the 2nd respondent. If the petitioner is aggrieved by the release deed executed by the 4th respondent, the petitioner has to workout her remedy only before the competent Civil Court and the petitioner cannot approach the 2nd respondent for the purpose of cancelling documents. Such cancellation of documents is beyond the power and jurisdiction of the registering authority and the same is well settled by a catena of decisions of this Court.

6. In view of the above, this Court does not find any ground to interfere with the order passed by the 2nd respondent and accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Kak

To

1.The Deputy Inspector General of Registration,
Velapadi, Vellore,
Vellore District - 632 001

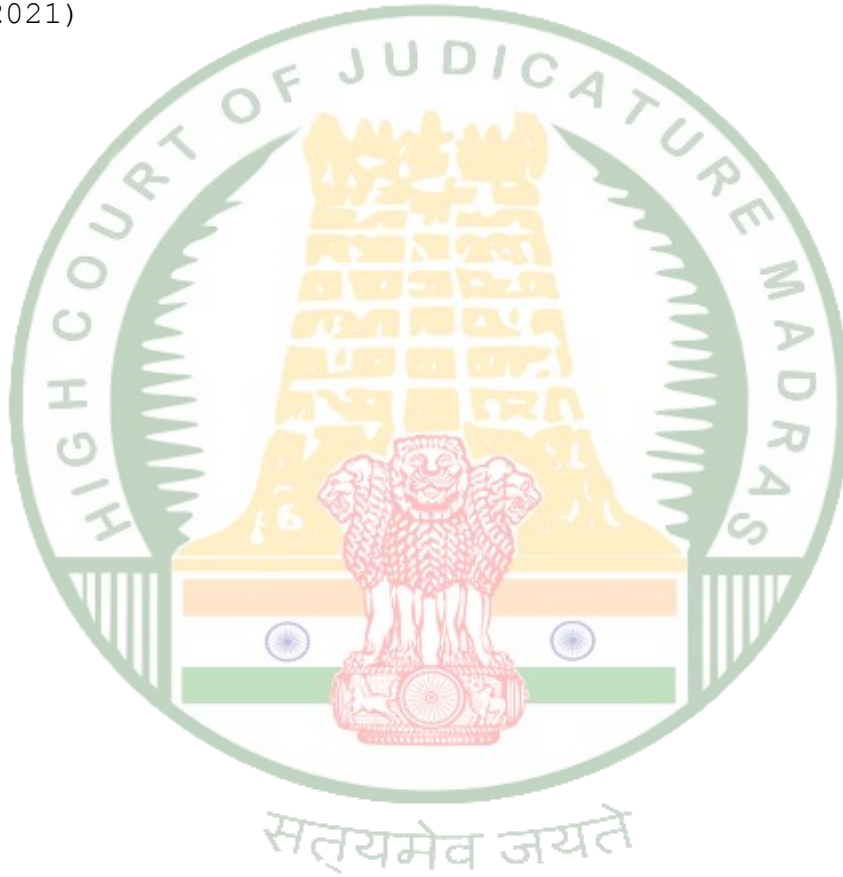
2.The District Registrar(Administration)
Velapadi, Vellore,
Vellore District - 632 001

3.The Sub-Registrar,
Office of Sub-Register,
Katpadi,
Vellore District.

+1cc to Mr.S.Gunaseelan, Advocate, S.R.No. 41041
+1cc to the Government Pleader, S.R.No. 41419

W.P.No.18728 of 2020

AJS (CO)
GN (07/01/2021)



WEB COPY