



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.2576 of 2020

V.Thangaraj

: Petitioner

vs.

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

2.The District Registrar,
District Registrar Office,
Karur District, Karur.

3.The Revenue Divisional Officer,
Kulithalai, Karur District.

4.The Sub Registrar,
Sub-Registrar Office,
Nangavaram, Kulithalai Taluk,
Kulithalai, Karur District.

5.Ravichandran

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1, 3 and 4 to cancel the document No.473/2003, dated 07.07.2003 registered at the fourth respondent Sub Registrar Office.

For Petitioner :Mr.R.Murugappan

For R1 to R4 :Mr.M.Murugan
Government Advocate



O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents 1, 3 and 4 to cancel the document No.473/2003, dated 07.07.2003 registered at the fourth respondent Sub Registrar Office.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

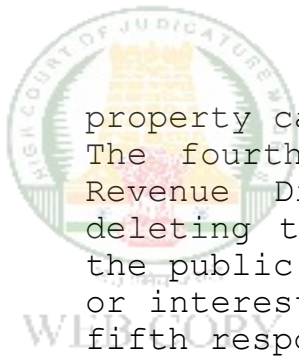
3.The petitioner stated that the property in S.No.432/1C in Inungur Village, Kulithalai Taluk, Karur District belonged to the petitioner's mother, by name, Erraiye Ammal and that the said land was purchased by her in the year 1963. Patta has also been given in favour of the petitioner's mother. It appears that the name of fifth respondent was also included in the revenue records along with the petitioner's mother, by a proceedings of the Tahsildar.

4.Considering the fact that the property was the absolute property of petitioner's mother, Erraiye Ammal and that she has not executed any deed of conveyance in favour of anyone, the Revenue Divisional Officer found that the inclusion of name of fifth respondent as join pattathar is bad and the Revenue Divisional Officer directed the deletion of fifth respondent from the patta. The petitioner, thereafter, submitted a representation before the respondents 3 and 4 to cancel the document, which was registered in the name of 5th respondent, as document No.473/2003.

5.This document No.473/2003, dated 07.07.2003, is a settlement deed, stated to have been executed by a third party in the name of fifth respondent as well as the petitioner's mother. Stating that the said document, dated 07.07.2003, is a fraudulent document, the petitioner seeks cancellation of registration of the document by referring to the Circular No.67. It is admitted by the learned Counsel for the petitioner himself that Circular No.67 was withdrawn long back.

6.Be that as it may, the petitioner seeks cancellation of a registered document, which was registered in the year 2003. No doubt, the contention of the writ petitioner that the document is a fraudulent transaction, appears to be true. However, that does not confer any right or power to Sub Registrar to cancel the registration. This Court has repeatedly held that unilateral cancellation of a registered document cannot be permitted.

7.In such circumstances, the petitioner is permitted to file a civil suit to get a declaration of his title or to invalidate the settlement deed, dated 07.07.2003. However, by virtue of the document, dated 07.07.2003, the petitioner's right to deal with the



property cannot be curtailed or prevented by any of the respondents. The fourth respondent shall also record the order passed by the Revenue Divisional Officer relating to the transfer of patta deleting the name of the fifth respondent from the patta, so that the public will know that the fifth respondent has no right or title or interest in respect of the property in dispute and to prevent the fifth respondent from alienating the property further.

8. In fine, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

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

2. The District Registrar,
District Registrar Office,
Karur District, Karur.

3. The Revenue Divisional Officer,
Kulithalai, Karur District.

4. The Sub Registrar,
Sub-Registrar Office,
Nangavaram, Kulithalai Taluk,
Kulithalai, Karur District.

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-5490[F] dated 10/02/2020)

+1 CC to M/s.Special Govt.Pleader (SR-5599[F] dated 11/02/2020)

W.P. (MD)No.2576 of 2020
10.02.2020

cmr

SDS (24.02.2020) 3P-7C