



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2020

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD)No.5928 of 2018

WEB COPY

S.Paulraj

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

2.The District Registrar,
Office of the District Registrar,
Kokkirakulam,
Tirunelveli District.

3.The Sub Registrar,
Office of the Sub Registrar,
Melaneelithanallur Registration Office,
Sankarankovil Taluk,
Tirunelveli District.

4.The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.

5.The Tahsildar,
Sankarankovil Taluk Office,
Sankarankovil,
Tirunelveli District.

6.Balaiah
7.Krishna Thevar
8.Aseervatham
9.Ponnammal
10.B.Mariappan
11.Gurusamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, to direct the First to Fifth Respondents herein to hold an enquiry based on the representation dated 30.10.2017 and 12.12.2017 given by the Petitioner in connection with registration of forged sale deed by the Sixth to Eleventh Respondents herein and to take necessary action to cancel the sale deed No.1699/09 dated 17.08.2009 and No.1435/14 dated 11.07.2014 and also to initiate appropriate criminal action against



the Sixth to Eleventh Respondents herein.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents 1 to 5 : Mr.V.Anand
Government Advocate

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ORDER

When the matter was taken up for hearing through video conferencing, it is pointed out by Mr. V.Anand, Learned Government Advocate, who takes notice for the First to Fifth Respondents, that it has been ruled by the Hon'ble Supreme Court of India in **Satya Pal Anand -vs- State of Madhya Pradesh** [(2016) 10 SCC 767] that once a document has been registered, the Registering Authority cannot cancel the registration even if his attention is invited to some irregularity committed during the registration of the document, and that the remedy for the aggrieved party is only to challenge the registration and validity of the document in a suit invoking Section 31 of the Specific Relief Act, 1963, before the jurisdictional Civil Court. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner to resort to that procedure. He has further informed that he would send a confirmatory e-mail to the Registrar (Judicial) of this Court to that effect, which shall be placed on record.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is also made clear that the period from the date of presentation of this Writ Petition (i.e., 26.02.2018) till the date on which certified copy of this order is made ready by the Registry, shall be excluded while computing the period of limitation for the filing of the proposed suit. It is needless to add here that no view has been expressed by this Court on the correctness or entitlement on the merits of the claim made by the Petitioner in that regard. No costs.

Sd/-

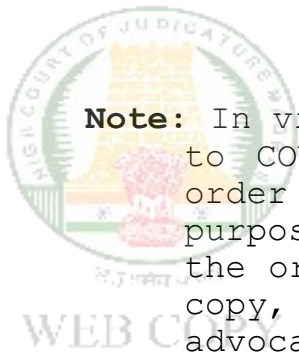
Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

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