

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.10458 of 2021
and
W.M.P.Nos.11057 and 11059 of 2021

E.M.Nagalingam

... Petitioner

-Vs-

- 1 The Secretary to Government,
Business Taxes,
Registration and Stamps Department,
Fort.St.George,
Chennai- 9.
- 2 The Inspector General of Registration
Office of the Inspector General
of Registration,
Santhome High Road,
Chennai- 28
- 3 Addl. Director General of Registration (Stamps)
Office of the Inspector General of Registration
Santhome High Road,
Chennai- 28
- 4 Deputy District Registrar,
Office of the Deputy District Registrar,
Guindy, Chennai- 32.
- 5 The Deputy Registrar,
Office of the District Registrar,
Vellore.
- 6 The Sub Registrar
Office of the Sub Registrar,
Arakkonam- 631 001
- 7 M.Krishnalal Jain ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus Calling for the records relating to the impugned order

dated 15.5.2019 Ref. LR. No.10525/C1/2019 passed by the 2nd Respondent and the dated 15.05.2019 Ref. LR. No .18877/U1/2019 passed by the 3rd Respondent and quash the same and consequently direct the Respondent authorities to cancel the Deed of Cancellation dated 18.01.1983 registered as Document No. 22 of 1983 in the office of the Sub Registrar, Arakkonam and consequently direct the respondent to handover physical vacant possession of the land measuring Ac 1.04 comprised in Old Survey No. 33/1, T.S.Nos. 25/30/32/33/34, Ward D, Block 6, Ammanur Village, Arakkonam Taluk, Vellore District to the petitioner within a time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Ramesh Raja

For Respondents : Mr.E.Balamurugan
Special Government Pleader-for
R1 to R3

Mr.T.M.Pappiah
Special Government Pleader-
for RR 4 to 6

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed challenging the order passed by the 2nd respondent rejecting the petitioner's appeal.

2. The grievance of the petitioner is that on 17.01.1983, the petitioner has purchased the property in Old Survey No.33/1, T.S.Nos.25/30/32/33/34, Ward D, Block 6, Ammanur Village, Arakkonam Taluk, Vellore District now Ranipet District from the 7th respondent herein. However, the 7th respondent in collusion with the 6th respondent has registered the same as sale agreement without his knowledge. Subsequently, on 18.01.1983, the 7th respondent unilaterally cancelled the document. Thereafter, in the year 2018, the petitioner has submitted a representation before the District Registrar, Arakkonam, 6th respondent herein to cancel the above said document. The 6th respondent has rejected the petitioner's request by an order dated 21.03.2018 holding that the Registrar has no power to cancel any document and if at all, the petitioner has any grievance, he has to approach the concerned civil court. Thereafter, against the order passed by the 6th respondent, the petitioner has filed an appeal before the 4th respondent. The 4th respondent has also by an order dated 28.01.2019 rejected the petitioner's appeal holding that the Registrar has no power to cancel the document and he has to approach the concerned civil court for establishing his right. Even thereafter, the petitioner went on making representations to the 1st and 2nd respondents and finally,

by an order dated 15.05.2019 the 2nd respondent rejected the petitioner's claim on the ground that already the order has been passed in the appeal. Now, challenging the said order, the present Writ Petition has been filed.

3. I have considered rival submissions and perused the records carefully.

4. Admittedly, the document was cancelled in the year 1983 and the petitioner kept quite for more than 23 years. Thereafter, only in the year 2018, he has filed an appeal before the 6th respondent to cancel the document. The 6th respondent District Registrar, has rightly rejected the petitioner's claim on the ground that the Registrar has no power to cancel any document and if at all, the petitioner wants to cancel the document, he has to approach the concerned civil court. The appeal filed by the petitioner was also rejected by the 2nd respondent Inspector General of Registration in the year 2019. After the lapse of two years, now, the petitioner has filed the present Writ Petition challenging the above said order.

5. Considering all those circumstances, this Court is of the opinion that the petitioner's application has been rightly rejected by the authorities holding that there is no power to cancel the sale deed, and I find no merit in this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government,
Business Taxes,
Registration and Stamps Department,
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- 2 The Inspector General of Registration
Office of the Inspector General
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Santhome High Road,
Chennai- 28

3 Addl. Director General of Registration (Stamps)
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Vellore.

6 The Sub Registrar
Office of the Sub Registrar,
Arakkonam- 631 001

+1cc to Mr.R.Ramesh, Advocate, S.R.No.25730

+1cc to the Government Pleader, S.R.No.26338

+1cc to Spl.Government Pleader, S.R.No.25977

W.P.No.10458 of 2021

SSI (CO)
CB(08/07/2021)



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