



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.7807 of 2021

& W.M.P. (MD) No.5948 of 2021

WEB COPY

A.Jeyalakshmi

.. Petitioner

Vs.

1.The Inspector General of Registration,
Santhome Highways,
Chennai - 600 028.

2.The District Registrar,
Madurai,
Madurai District.

3.The Sub Registrar,
Sub Registrar Office,
Thirumangalam,
Madurai District.

4.Loganathan

5.R.S.Pandi

6.R.S.Devaraj

7.A.Jeyalakshmi

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the sale deed in document No.1216/1993 on the file of the 3rd respondent and quash the same as illegal by considering circular No.67, dated 03.11.2011 issued by the 1st respondent.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.K.Sathyasingh,
Addl. Govt. Pleader for R1 to R3

ORDER

This Writ Petition has been filed challenging the sale deed, registered by the third respondent in document No.1216/1993 in line with Circular No.67, dated 03.11.2011.

2. The case of the petitioner is that the third respondent had

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entertained a sale deed that was presented for registration by the respondents 3 to 7, who had absolutely no right or title over the property. Therefore, the petitioner made a representation to the official respondents on 16.12.2020, requesting not to entertain any document that are presented for registration with respect to the subject property. Thereafter, the petitioner has approached this Court challenging the sale deed that was registered in document No.1216/1993.

3. Heard Mr.C.Ezhilarasu, learned counsel for the petitioner and Mr.K.Sathyasingh, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3.

4. In the considered view of this Court, the Circular relied upon by the petitioner is no longer in force. The Honourable Supreme Court in **Satya Pal Anand Vs. State of Madhya Pradesh and Others** reported in **(2016) 10 SCC 767**, categorically held that the Registrar does not have the powers to recall or cancel any registered document. This judgment of the Honourable Supreme Court was taken into consideration by the Inspector General of Registration and a subsequent Circular was issued on 09.04.2018, making it very clear that no such cancellation can be done by the Registration Department and the earlier Circular in Circular No.67, dated 03.11.2011 was withdrawn.

5. In view of the above, the relief sought for by the petitioner is not sustainable. If the petitioner is aggrieved by the sale deed executed by the private respondents and registered by the third respondent, it is left open to the petitioner to agitate her rights in the manner known to law before the competent civil Court. Except giving this liberty, no further orders can be passed in this Writ Petition.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note: Issue order copy on 19.04.2021.

In view of the present lock down owing to COVID-19

Note : 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

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To

1.The Inspector General of Registration,
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Chennai - 600 028.

2.The District Registrar,
Madurai,
Madurai District.

3.The Sub Registrar,
Sub Registrar Office,
Thirumangalam,
Madurai District.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-15897[F] dated 15/04/2021)

+1 CC to M/s.AGP (SR-15988[F] dated 16/04/2021)

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and W.M.P. (MD) No. 5948 of 2021
15.04.2021

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