



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2021

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.9968 of 2021

and

W.M.P (MD) Nos.7670 and 7671 of 2021

M.Jeyaraj

... Petitioner

Vs.

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

2.The District Registrar,
Madurai South,
Madurai.

3.The Joint IV Sub Registrar,
Madurai South
Madurai.

4.R.Annathai

5.D.Alagammal

6.M.Lakshmi @ Jeya

7.K.R.Premkumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the sale deed in Document No.1258 of 2021 dated 29.01.2021 on the file of the 3rd Respondent and quash the same and further direct the third Respondent to make corresponding entry in the Book No.1 of his office.

For Petitioner: Mr.C.Selvaraj

For R1 to R3 : Mr.P.Thilak Kumar
Counsel on behalf of the Government of
Tamil Nadu



ORDER

(through video conference)

Mr. P. Thilak Kumar, Learned Counsel on behalf of the Government of Tamil Nadu takes notice for the First to Third Respondents.

2. The Writ Petition has been filed challenging the registration of sale deed in Document No.1258 of 2021 dated 29.01.2021 on the file of the Third Respondent and to further direct the Third Respondent to make corresponding entry in the Book No. I of his office.

3. Having regard to the aforesaid relief claimed, it has to be noticed here that the Hon'ble Supreme Court of India in the binding decision in **Satya Pal Anand -vs- State of Madhya Pradesh** [(2016) 10 SCC 767] has held 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 that legal position, 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 a memo through e-mail would be filed to that effect, which shall be placed on record.

In the result, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

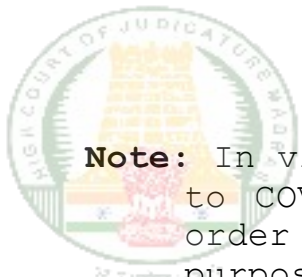
Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ns/SRM



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

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

2.The District Registrar,
Madurai South,
Madurai.

3.The Joint IV Sub Registrar,
Madurai South
Madurai.

+1 CC to SPL GP (SR-19280[F] dated 14/06/2021)

W.P. (MD) No.9968 of 2021
10.06.2021

KM(01.07.2021) 3P 5C