



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13607 of 2021

V.Aathilingam

... Petitioner

versus

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The Deputy Inspector General of Registration,
Tirunelveli Region,
St.marks Road,
Palayamkottai,
Tirunelveli District.

3.The District Registrar (Admin),
District Registrar Office,
Tuticorin,
Tuticorin District.

4.The Sub Registrar,
Sub Registrar Office,
Ottapidaram,
Thoothukudi District.

5.SH.Gurjaht Singh

6.K.Shetramohan Gahan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the second respondent to dispose the appeal petition dated 10.07.2020 on the file of the second respondent office, filed by the petitioner within a stipulated time as fixed by this Court.

For Petitioner : Mr.P.Banuprasath
For R-1 to R-4 : Mr.R.Baskaran

ORDER

The petitioner seeks the expeditious disposal of an appeal filed on 10.07.2020 before the second respondent against an order dated 01.06.2020 of the third respondent.

2.The petitioner alleges that a Sale Deed was executed in favour of the sixth respondent fraudulently under Document No.238 of
<https://hcservices.ecourts.gov.in/hcservices/>



2007. Therefore, the petitioner submitted a representation before the third respondent and requested that the fraudulent sale deed be cancelled. This was rejected by order dated 01.06.2020 and an appeal was filed against such order on 10.07.2020. The present writ petition is filed for the expeditious disposal of such appeal.

WEB COPY

3.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the respondents 1 to 4.

4.The settled legal position is that registration authorities do not have the power to cancel a registered instrument. However, registration authorities are empowered to institute an inquiry, if deemed appropriate, as to whether fraud was committed in the execution of documents, including by impersonation or forgery.

5.Subject to the above observations and without going into the merits of the matter, W.P.(MD).No.13607 of 2021 is disposed of by directing the second respondent to consider and dispose of the appeal filed by the petitioner on 10.07.2020 within a period of three months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, the private respondents herein and any other parties to such appeal. There will be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
- 2.The Deputy Inspector General of Registration,
Tirunelveli Region,
St.marks Road,
Palayamkottai,
Tirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The District Registrar (Admin),
District Registrar Office,
Tuticorin,
Tuticorin District.

4.The Sub Registrar,
Sub Registrar Office,
Ottapidaram,
Thoothukudi District.

+1 CC to M/s.SPECIAL GOVERNMENT PLEADER (SR-25640[F] dated
09/08/2021)

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-25680[F] dated 09/08/2021
)

W.P (MD) No.13607 of 2021
06.08.2021

RS (19.08.2021) 3P 7C