



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.(MD)No.13772 of 2021

WEB COPY

S.S.Govindhan

... Petitioner

Vs.

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.
2. The Deputy Inspector General of Registration,
Registration Department,
Thirumohur Road, Y.Othakadai,
Madurai District.
3. The District Registrar (Administration),
Registration Department,
Madurai Road, Virudhunagar.
4. The Sub-Registrar,
Joint-II Sub-Registrar Office,
Madurai Road, Virudhunagar.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider petitioner's representation dated 10.07.2021 and to enquire and pass appropriate order on the light of the judgment passed in the W.P(MD).No.10177 of 2021.

For Petitioner : Mr.Fazil Kirmani
For Respondents : Mr.P.Subbaraj,
Counsel for State

O R D E R

The petitioner seeks the consideration of a representation dated 10.07.2021, whereby the petitioner challenges a release deed bearing Document No.271 of 1979 and seeks the cancellation thereof.

2. The petitioner states that his father passed away on 09.10.1978 and that his mother was the first wife. It is alleged



that after the demise of his father on 09.10.1978, his father's other wives and their children conspired and executed a release deed bearing Document No.271 of 1979. Upon coming to know of a recent order in W.P(MD).No.10177 of 2021, the petitioner submitted a representation dated 10.07.2021 seeking an inquiry into the allegedly fraudulent release deed and for cancellation thereof.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents.

4. The averments in the affidavit filed in support of the writ petition and the documents filed in support thereof disclose conclusively that the challenge is in respect of a release deed bearing Document No.271 of 1979. As such, about 41 years have lapsed since the date of registration of the document in question. Although the periods of limitation specified in the Schedule to the Limitation Act, 1963 do not apply to proceedings under Article 226 of the Constitution, laches is an important consideration while entertaining a petition for discretionary relief.

5. In this case, the petitioner has come to Court after 41 years by citing a recent order of this Court. The fact that this Court by a recent order directed the registration authorities to exercise their power to inquire into fraudulent transactions or transactions involving impersonation or forgery does not extend the cause of action as regards this petitioner.

6. For the reasons aforesaid, W.P(MD).No.13772 of 2021 is dismissed without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To:

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

2. The Deputy Inspector General of Registration,
Registration Department,
Thirumohur Road, Y.Othakadai,
Madurai District.



3. The District Registrar (Administration),
Registration Department,
Madurai Road, Virudhunagar.

4. The Sub-Registrar,
Joint-II Sub-Registrar Office,
Madurai Road, Virudhunagar.

+1 CC to M/s.GP (SR-25792[F] dated 10/08/2021)

W.P. (MD)No.13772 of 2021

09.08.2021

=CN(17.08.2021) 3P 6C