



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15201 of 2021

K.Kanakathevar

... Petitioner

Vs.

1. The Deputy Inspector General of Registration,
Office of the Deputy Inspector General
of Registration,
Rajakampiram, Y.Othakadai,
Madurai-107.

2.The District Registrar,
O/o.The District Registrar,
Sankaragam, Thenkarai Agraharam,
Periyakulam, Theni District.

3.The Sub Registrar,
Office of the Sub Registrar,
Elumalai, Peraiyur Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to cancel the settlement deed in Document No.1371 dated 21.06.2021 which was falsely executed by my son and registered by the third respondent as per the petitioner's representation dated 17.07.2021.

For Petitioner : Mr.A.Rajaram
For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks the cancellation of a settlement deed, which was registered as document No.1371 on 21.06.2021. The petitioner is a senior citizen. He claims title to the property bearing Survey No. 568/Pa. According to the petitioner, he executed a general power of attorney in respect of the said property in favour of his wife on 09.06.2021 by a registered document bearing Document No.1260/2021.

2.Thereafter, the petitioner states that he discovered that his son, Mr.Kanakathevan, illegally executed a settlement deed in respect of such property in favour of his wife, K. Dhanalakshmi. The present Writ Petition is filed to cancel such settlement deed.



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

4.As on date, the registration authorities do not have the power to cancel a registered document. Therefore, the relief claimed in the present Writ Petition cannot be granted. However, the registration authorities are empowered to conduct an inquiry into irregularities and fraud in connection with the registration of a document. Such irregularities include impersonation, forgery and the like. To that extent, the respondents may be directed to examine whether fraud was committed in course of registration of the aforesaid settlement deed. Needless to say, such inquiry should be undertaken after putting the executants of the settlement deed dated 21.06.2021 on notice.

5.Accordingly, subject to the above observations, but without going into the merits of the matter, the respondents are directed to consider the petitioner's representation dated 17.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, Mr.Kanakathevan, Mrs.K.Dhanalakshmi and any other person who would be affected by such decision. Such reasoned order shall be passed within three months from the date of receipt of a copy of this order. W.P.(MD)No.15201 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sm/pnm

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 Deputy Inspector General of
Registration,
Office of the Deputy Inspector General
of Registration,
Rajakampiram, Y.Othakadai,
Madurai-107.



2.The District Registrar,
O/o.The District Registrar,
Sankaragam, Thenkarai Agraharam,
Periyakulam, Theni District.

3.The Sub Registrar,
Office of the Sub Registrar,
Elumalai, Peraiyur Taluk,
Madurai District.

+1 CC to M/s.A.RAJARAM, Advocate (SR-27429[F] dated 26/08/2021)

+1 CC to M/s.SPL GP (SR-27525[F] dated 27/08/2021)

W.P (MD) No.15201 of 2021
26.08.2021

DJ(CO)
KB(02.09.2021) 3P 6C