



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.14593 of 2021

G.Sakthi Rao

... Petitioner

Vs.

1.The District Registrar (Administration),
Madurai (South), 171, Palace Road,
Madurai - 625 001.

2.The Sub Registrar,
Sub - Registrar Office,
Thirumangalam,
Madurai 625 706.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st respondent to consider petitioner's representation dated 14.07.2021 to take appropriate action under Sections 82 and 83 of the Registration Act, 1908, for fraudulent registration of the sale deed bearing No.11472 of 2011 dated 10.11.2011 on the file of the 2nd respondent office and cancel the same.

For Petitioner : Mr.G.Sakthi Rao (Party in Person)

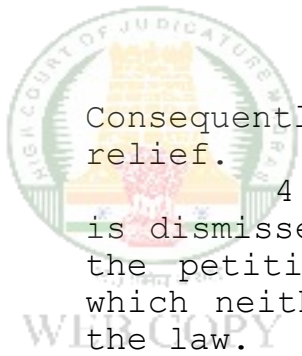
For Respondents : Mr.R.Baskaran
Counsel for State

ORDER

The petitioner seeks an inquiry under Sections 82 and 83 of the Registration Act, 1908, in respect of the allegedly fraudulent registration of a sale deed bearing Document No.11472 of 2011, dated 10.11.2011.

2. The petitioner claims to be the owner of a property under a sale deed in favour of his father. The petitioner alleges that one Parveen created a fake document in respect of such property in the year 2011. According to the petitioner, he became aware of such fraud only in June 2020.

3. A person seeking discretionary relief under Article 226 of the Constitution should approach the Court within a reasonable time. While the periods of limitation prescribed in the Schedule of the Limitation Act 1963 are not applicable to proceedings under Article 226 of the Constitution, laches is an important consideration while deciding whether to exercise discretionary jurisdiction. In the case at hand, the allegedly fraudulent sale deed was registered in 2011. The petitioner has approached the Court in 2021 without any adequate explanation for such delay.



Consequently, the petitioner is not entitled to discretionary relief.

4. For the reasons aforesaid, W.M.P.(MD).No.14593 of 2021 is dismissed without any order as to costs. However, it is open to the petitioner to initiate appropriate proceedings in respect of which neither limitation nor laches would apply in accordance with the law.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 District Registrar (Administration),
Madurai (South), 171,
Palace Road,
Madurai - 625 001.

2.The Sub Registrar,
Sub - Registrar Office,
Thirumangalam,
Madurai 625 706.

+1 CC to M/s.GP (SR-26778[F] dated 19/08/2021)

W.P. (MD) .No.14593 of 2021
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MGJ(27.08.2021) 2P 4C