



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021
CORAM

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.15490 of 2021

S.Renugadevi

... Petitioner

Vs.

1.Inspector General of Registration,
Chennai (Town & P.O).,
Tamilnadu.

2.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar-Rajakambeeram,
Y.Othakkadai,
Madurai 625 107.

3.The District Registrar,
58/1, Cutchery Road,
Virudhunagar District.
Pin: 626 001.

4.The Sub Registrar,
Sub Registrar Office,
Aruppukkottai Taluk,
Virudhunagar District.
Pin: 626 101.

5.N.Yasothai

6.N.Ramesh

... 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 1 to 4 to annul the registration of the sale deed bearing Document No.3737/2004 dated 25.08.2004, fraudulently registered by K.G.Rengasamy Naicker, in favour of N.Yasothai and the subsequent registered settlement deed bearing registration No.6146/2014 dated 28.11.2014 executed by N.Yasothai in favour of her son N.Ramesh covering the petitioner's Plot Nos: 27 and 50 in Survey No.24/1 in Kanchanayakanpatty village, Aruppukkottai Taluk, Virudhunagar District as per the Circular Under Letter No:20217/U1/2021 dated 09.07.2021 issued by the first respondent by considering the petitioner's representation dated 26.07.2021 and the subsequent representation dated 09.08.2021.



For Petitioner : Mr.V.Nagendran

For Respondents : Mr.K.S.Selvaganesan
Counsel for the State fro R1 to R4

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ORDER

The petitioner seeks a direction to respondents 1 to 4 to annul a sale deed registered as Document No.3737 of 2004.

2.According to the petitioner, she purchased 6 plots in Survey No.24/1 on 02.04.2002 from one K.G.Rengasamy through a registered sale deed bearing Document No.1309 of 2002. Subsequently, on 09.04.2021, the petitioner applied for a patta transfer. At that time, it is stated that the petitioner discovered that the land bearing Survey No.24/1, including plot Nos. 27 and 50, were transferred to the name of one Ramesh under a registered settlement deed dated 28.11.2014. The petitioner also discovered that plot Nos. 27 and 50 were sold by her vendor K.G.Rengasamy Naicker on 25.08.2004 to N.Yasothai under Document Number 3737 of 2004. In these circumstances, the petitioner issued a representation dated 26.07.2021 and a reminder dated 09.08.2021. On account of the alleged failure of the respondents to act on such representation, the present writ petition is filed.

3.Mr.K.S.Selvaganesan, the learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He points out that the impugned registration took place in the year 2004 and the executant of such document, namely, K.G.Rengasamy Naicker admittedly died.

4.While the limitation periods set out 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 deciding as to whether discretionary jurisdiction should be exercised. In the case at hand, the petitioner has approached the Court in August 2021 in relation to a sale deed registered in the year 2004. In paragraph 9 of the affidavit in support of the writ petition, the petitioner stated that the executant of the impugned document has expired. The petitioner seeks cancellation of the sale deed and a subsequent settlement deed. As on date, registration authorities do not have the power to cancel a registered document and an aggrieved person has to approach a jurisdictional civil court for such purpose.



5. For all the reasons set out above, WP.(MD)No.15490 of 2021 is dismissed without any order as to costs. However, it will be open to the petitioner to approach a jurisdictional civil court in order to redress her grievances in accordance with law.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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. Inspector General of Registration,
Chennai (Town & P.O).,
Tamilnadu.

2. The Deputy Inspector General of Registration,
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+1 CC to M/s.V.NAGENDRAN, Advocate (SR-27941[F] dated 02/09/2021)

+1 CC to M/s.GP (SR-28077[F] dated 03/09/2021)

W.P (MD) No.15490 of 2021
01.09.2021

RK(14.09.2021) 3P 7C