



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16475 of 2021

WEB COPY

A.Kannan

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinappakam,
Chennai - 600 028.

2.The District Registrar,
Virudhunagar,
Virudhunagar District.

3.The Sub Registrar,
Rajapalayam,
Virudhunagar District.

4.G.Gurusekaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider petitioner's representation dated 12.04.2021.

For Petitioner : Mr.C.Prithviraj
For Respondents : Mr.P.Subburaj
Counsel for State

ORDER

The petitioner seeks consideration of a representation dated 12.04.2021 to the second respondent to cancel a sale deed bearing document No.1060 of 1970.

2.The petitioner states that his father purchased the property bearing Survey No.157/1 Part, Ward B, Town Survey No.12 at Kambar North Street, Rajapalayam Taluk, Virudhunagar District under a registered sale deed dated 05.12.1966 bearing Document No.2539 of 1966. It is stated that the said property was subsequently settled in favour of the petitioner under Document No.4003 of 2016 dated 18.11.2016.

3.The petitioner states that the fourth respondent is unlawfully claiming title to the same property under a registered



sale deed bearing DocumentNo.1060 of 1970 on the file of the third respondent. A representation dated 12.04.2021 was issued in this regard to the second respondent and the petitioner seeks a direction to the second respondent for the conduct of an inquiry in relation thereto.

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4. Mr.Subbaraj, learned Counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the petitioner is endeavouring to cancel a sale deed which was registered in the year 1970.

5.Although the periods of limitation specified in the Schedule of the Limitation Act 1963 do not apply to proceedings under Article 226 of the Constitution of India, laches is an important consideration while deciding whether to exercise discretionary jurisdiction. In the case at hand, the petitioner admittedly seeks to cancel a sale deed which was registered in the year 1970. The affidavit in support of the writ petition does not contain reasons to justify approaching the Court in the year 2021 in relation to the sale deed registered in 1970. In addition, Registration Authorities do not have the jurisdiction or authority to cancel a registered document at present. For both the reasons set out above, a Mandamus as prayed for by the petitioner cannot be issued.

6.Consequently, W.P.(MD).No.16475 of 2021 is dismissed without any order as to costs. However, it will be open to the petitioner to institute appropriate proceedings to redress the grievances canvassed in this writ petition in accordance with law.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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,
100, Santhome High Road,
Pattinappakam,
Chennai - 600 028.

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



2.The District Registrar,
Virudhunagar,
Virudhunagar District.

3.The Sub Registrar,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.SPL. GP (SR-29308[F] dated 16/09/2021)

W.P (MD) .No.16475 of 2021
15.09.2021

NSN (CO)
KB (24.09.2021) 3P 5C