



WEB COPY

W.P(MD).No.17310 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17310 of 2021

and

W.M.P(MD).No.14200 of 2021

Elangovan

... Petitioner

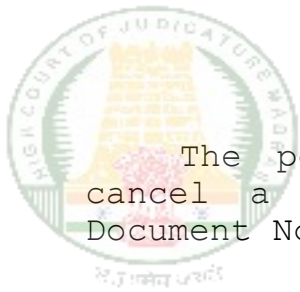
Vs.

- 1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai - 600028.
- 2.The Deputy Inspector General of Registration,
Government Multi-stored Building,
2nd floor, Race Course Road,
Kajamalai Pudur,
Tamil Nadu 620023.
- 3.The District Registrar,
District Registrar Office,
Court Campus,
Cantonment,
Trichy and District.
- 4.The Sub-Registrar,
Sub-Registrar Office,
Musiri,
Trichy District.
- 5.The Executive Officer,
Musiri Town Panchayat,
Musiri,
Trichy 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 1 to 4 to cancel the gift deed, registered as Document No.797/1991, dated 06.05.1991 in favour of the fifth respondent.

For Petitioner	: Mr.R.Murugappan
For R1 to R4	: Mr.P.Subbaraj
	Counsel for State
For R5	: Mr.Raghavendran



ORDER

The petitioner seeks a direction to respondents 1 to 4 to cancel a gift deed dated 06.05.1991, which was registered as Document No.797 of 1991.

2.The petitioner states that the property bearing S.No.83, Musiri Village (West), Trichy District, belonged to his mother, Kanthamani. The gift deed was executed on 06.05.1991 by his father, Paramasivam, in favour of the fifth respondent. The petitioner states that the execution of such gift deed by his father in favour of the fifth respondent is not valid. After submitting a representation dated 28.11.2020 to the fourth respondent seeking cancellation of such gift deed, the present writ petition is filed.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4 and Mr.Raghavendran, learned Standing Counsel, accepts notice for the fifth respondent.

4.The petitioner seeks to cancel a gift deed dated 06.05.1991, which was registered as Document No.797 of 1991. Thus, the present writ petition is in respect of a transaction which took place 20 years ago.

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. Besides, the petitioner seeks a direction to respondents 1 to 4 for cancellation of the gift deed. The relevant respondents do not have the power, as on date, to cancel a registered document.

6.For both the reasons set out above, W.P.(MD).No.17310 of 2021 is dismissed without any order as to costs. Consequently, W.M.P(MD) No.14200 of 2021 is closed.

Sd/-

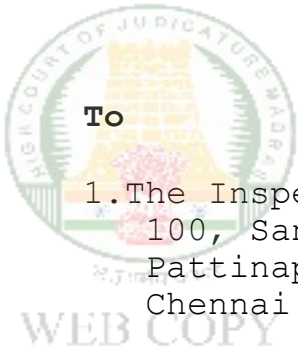
Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
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2.The Deputy Inspector General of Registration,
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3.The District Registrar,
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Court Campus,
Cantonment,
Trichy and District.

4.The Sub-Registrar,
Sub-Registrar Office,
Musiri,
Trichy District.

+1 CC to M/s.SPL.GP (SR-30476[F] dated 28/09/2021)

**W.P (MD) .No.17310 of 2021
and**

**W.M.P (MD) .No.14200 of 2021
27.09.2021**

RS (05.10.2021) 3P 6C