



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 28.09.2021
CORAM**

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17375 of 2021

R.K.Kumar

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai-28.

2.The District Registrar,
O/o.The District Registrar Office,
Madurai District,
Madurai.

3.The Sub Registrar,
O/o. Sub Registrar Office,
Thirupparankundram,
Madurai.

4.Muthulakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to cancel the fraudulent rectification gift deed in Document No.1162 of 2020 dated 13.05.2020 on the basis of the petitioner's representation dated 20.08.2021.

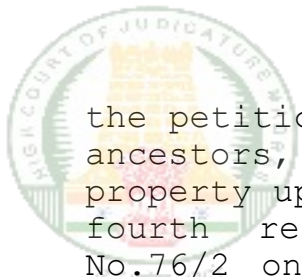
For Petitioner : Mr.P.R.Boomee Rajan

For R-1 to R-3 : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks cancellation of a rectification deed dated 13.05.2020, bearing Document No.1162/2020, on the basis of representation dated 20.08.2021.

2. The petitioner traces title to the property bearing old Survey No.78/2, new Survey No.398/11 of an extent of 69 Cents bearing Patta No.1956 at Vilacheri Village, Madurai. According to



the petitioner, the above mentioned property was owned by one of his ancestors, namely, Nagammal. He claims that he inherited the property upon the death of Nagammal. The petitioner states that the fourth respondent had purchased the property bearing Survey No.76/2 on 28.01.1986 under Document No.5291/1986. Subsequently, purportedly with a view to rectify an error in such document, it is stated that the rectification deed dated 13.05.2020 was executed. By the said rectification deed, the Survey Number was amended as old Survey No.78/2 instead of old Survey No.76/2. The petitioner alleges that such rectification is fraudulent and has filed the present Writ Petition to seek redressal in such regard.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. By drawing reference to the rectification deed, he points out that old Survey No.76/2 and Survey No.78/2 were clubbed together under Natham Survey No.398/11. Therefore, he points out that the executants of the rectification deed should be put on notice before the matter is decided.

4. The petitioner has enclosed a copy of the sale deed dated 30.01.1986 under which the fourth respondent purchased the property bearing old Survey No.76/2. He has also enclosed a copy of the allegedly fraudulent rectification deed dated 13.05.2020. As pointed out by learned counsel for the State, such rectification deed contains the recital that old Survey Nos.76/2 and 78/2 were clubbed in Survey No.398/11. However, it has to be examined as to whether such clubbing was effected and, if so, the implications thereof as regards the title of the petitioner and the fourth respondent. At present, registration authorities do not have the power to cancel a registered document. Therefore, a mandamus cannot be issued as prayed for by the petitioner. Nonetheless, registration authorities are empowered to inquire as to whether there was a fraud or other irregularity in course of registration, including in course of registration of a rectification deed. To that extent, the petitioner's representation warrants consideration.

5. Accordingly, without entering any findings on the merits of the matter but subject to the observations contained herein, the petitioner is permitted to make a fresh representation to the second respondent with regard to the grievances canvassed in the present Writ Petition. Such representation shall be submitted within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent herein is directed to consider and dispose of such representation by a reasoned order after providing a reasonable opportunity to the petitioner, the fourth respondent herein and the other parties to the rectification deed dated 13.05.2020. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of such fresh representation.



6. W.P.(MD).No.17375 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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,
No.100, Santhom High Road,
Chennai-28.

2.The District Registrar,
O/o.The District Registrar Office,
Madurai District,
Madurai.

3.The Sub Registrar,
O/o. Sub Registrar Office,
Thirupparankundram,
Madurai.

+1 CC to M/s.SPL.GP (SR-30670[F] dated 29/09/2021)

+1 CC to M/s.PR BOOME RAJAN, Advocate (SR-30699[F] dated 30/09/2021)

**W.P (MD) No.17375 of 2021
28.09.2021**

RK (05.10.2021) 3P 6C