



W.P(MD)No.13107 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13107 of 2013

S.Natesh Kumar

... Petitioner

Vs.

1.The Inspector General of Registration,
Head Office (Registration),
Santhom, Chennai-600 028.

2.The District Registrar,
Sivagangai District,
Sivagangai.

3.The Sub Registrar,
The Sub Registrar Office,
Manamadurai, Sivagangai.

4.R.Sethupathi

5.S.Subramanian

... 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 and 2 to conduct an enquiry on the petitioner's complaint dated 25.01.2013 and thereby to cancel the sale agreement registered at the Joint Registrar Office No.1, Karaikudi in Document No.479/1992



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which has been declared as a fraudulent document by the decree and judgment passed by the Learned Sub-Court, Devakottai, in O.S.No. 54/1996 dated 27.11.1996 and to initiate appropriate action against the fourth and fifth respondents.

For Petitioner : Mr.A.Jayaramachandran

For R1-R3 : Mr.K.S.Selva Ganesan
Additional Government Pleader

For R4 & R6 : No Appearance

ORDER

The present writ petition has been filed seeking a writ of Mandamus directing the respondents 1 and 2 to conduct an enquiry in relation to a fraudulent sale agreement in document No.479/1992. The petitioner has also given a representation on 25.01.2013 to the effect that the said document may be cancelled invoking the powers of the District Registrar under Circular No. 67/2011.

2. However, Circular No. 67/2011 has already been withdrawn and as on today, the second respondent herein does not have any powers to adjudicate upon the validity or otherwise of any document. The petitioner's grand-mother was the first defendant in a suit for specific



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performance in O.S.No.54 of 1996. In the said suit, it has been held that the Document No.479/1992, dated 21.05.1992 has been obtained fraudulently from the grand-mother of the writ petitioner. Hence, the petitioner wants to cancel the said sale agreement. Since the second respondent does not have any powers to cancel the document, unless it is declared as null and void by the Civil Court, the prayer sought for in the writ petition cannot be granted. The petitioner is at liberty to approach the third respondent herein for registering the decree made in O.S.No.54 of 1996, dated 27.11.1996 on the file of the Sub Court Devakottai. In case, if the petitioner approaches the third respondent herein, the decree shall be registered by the third respondent without any reference to the issue of limitation.

3. With the above said observations, this Writ Petition is disposed of. No costs.

22.07.2022

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Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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