



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.9145 of 2022

K.Sundaram

... Petitioner

Vs.

1. The Inspector General of Registration,
Registration Department,
Santhome Salai, Chennai.

2. The District Registrar,
Registration Department,
Madurai District, Madurai.

3. The Sub-Registrar (Joint-4),
Palanganatham Sub-Registrar Office,
Madurai.

4. Palani

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents particularly, the second respondent to conduct an enquiry on the registration of document No.289 of 2006 and 12841 of 2021 by the third respondent and take appropriate action and consider the petitioner's representation dated 18.04.2022.

For Petitioner	: Mr.S.Sivakumar
For R-1 to R-3	: Mr.K.S.Selva Ganesan,
	Additional Government Pleader.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3.

2. The case of the petitioner is that he is the title holder in respect of 3.53 acres of land purchased under document No.3574 of 1993. His grievance is that some 6 cents of land belonging to him was unlawfully included in the sale deed dated 20.01.2016 executed by his mother and sister in favour of one James Peter. The said James Peter conveyed what was purchased by him in favour of one Palani under the sale deed dated 08.10.2021 registered on the file of the third respondent. The petitioner has given a complaint in this regard and wants the second respondent to enquire into the same. For directing the second respondent to do so, this Writ of



Mandamus came to be filed.

3. I am afraid that I cannot grant any relief to the petitioner in these writ proceedings. It is for the simple reason that none of the registering authorities would have the statutory power or authority to cancel the document that had already been registered. This is the legal position following the judgment pronounced by the Hon'ble Supreme Court in **Satya Pal Anand Vs. State of Madhya Pradesh and Ors. [(2016) 10 SCC 767]**. Of course, the Inspector General of Registration, Chennai had issued circular dated 31.07.2018 for conducting enquiry into acts of fraudulent registration. But the actual cause of action arose way back in the year 2006. During the relevant time, the circulars were not holding the field. Hence, it is not open to the petitioner to invoke these circulars.

4. It is true that James Peter had executed the document in favour of the fourth respondent on 08.10.2021. But the sale deed dated 08.10.2021 cannot be seen in isolation. What was purchased by him under the sale deed dated 20.01.2006 was sold by him under the sale deed dated 08.10.2021. Therefore, the petitioner has to necessarily establish his rights only before the jurisdictional civil Court. Knocking the doors of the registering authority would not yield any result at all. Giving liberty to the petitioner to move the jurisdictional civil Court to establish his rights, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

To:

1. The Inspector General of Registration,
Registration Department,
Santhome Salai, Chennai.
2. The District Registrar,
Registration Department,
Madurai District, Madurai.
3. The Sub-Registrar (Joint-4),
Palanganatham Sub-Registrar Office,
Madurai

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+1 CC to M/s.SPL.GP (SR-24385[F] dated 07/06/2022)

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