

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9016 of 2022

Santhakumar

... Petitioner

Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2. The District Registrar,
Ramanathapuram District,
Ramanathapuram.

3. The Sub Registrar,
Kadaladi,
Ramanathapuram District.

4. Sarkunam

5. Muniyandi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to cancel the sale deed No.516 of 2008, dated 23.06.2008 registered at the third respondent Sub Registrar office.

For Petitioner : Mr.R.Murugappan

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

* * *

ORDER

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

2. The petitioner has given a representation before the second respondent for cancelling the sale deed (document No.516 of 2008) dated 23.06.2008 registered on the file of the third respondent. The fourth respondent is the executant of the said document. The fifth respondent is the purchaser. According to the petitioner, without any right or title the fourth respondent has executed the said sale deed.

3. I am afraid that the relief sought for by the petitioner cannot be granted. Of course the registering

authority is empowered to hold an enquiry in the cases of fraudulent registration. If there has been impersonation or furnishing of fake documents, then and then alone, registration can be termed as fraudulent.

4. It has been held by the Hon'ble Supreme Court in ***Satya Pal Anand Vs. State of Madhya Pradesh and Ors. [(2016) 10 SCC 767]*** that the party aggrieved by the registration of the document executed by holder of imperfect title can challenge the same before the jurisdictional civil Court. The registering authority after registration cannot cancel the same. The Writ of Mandamus can be issued only, if the authority concerned omits or neglects to discharge their statutory duty. In view of the aforesaid decision of the Hon'ble Supreme Court, the registering authority lacks the power to cancel a registered document. Therefore, the relief sought for by the petitioner cannot be granted.

5. This writ petition is dismissed. However, the petitioner is at liberty to move the jurisdictional civil Court for appropriate relief. I make it clear that the dismissal of the writ

petition will not in any way affect the rights of the petitioner.

No costs.

06.06.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.
2. The District Registrar,
Ramanathapuram District,
Ramanathapuram.
3. The Sub Registrar,
Kadaladi,
Ramanathapuram District.

G.R.SWAMINATHAN,J.

PMU

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