



WEB COPY

W.P.(MD)No.2512 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2512 of 2017

and

W.M.P. (MD)No.2104 of 2017

S.Dhanalakshmi

... Petitioner

Vs.

1.The Inspector General,
Department of Registration,
Santhome High Road,
Santhome,
Chennai.

2.The District Registrar,
Department of Registration,
Virudhunagar District,
Virudhunagar.

3.N.R.K.R.Rajarathinam

4.Maheswaran

5.Densingh

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order dated 22.06.2016 made in Na.Ka.No.2667/A4/2014 passed by the second respondent and quash the same as devoid of merits and consequently direct the second respondent to cancel the fake and foul play document bearing No.5240/2012, dated.26.11.2012 on the file of the third respondent in connection with the property and building under the name of Sri Samundeeshwari Fire Works bearing Ayan Punja Survey Nos.1332 and 1333 having so many sub divisions measuring to an extent of 14 Acres and 80 cents situated Keelarajakularaman Sub Division, Sivakasi Circle, Ethirkottai Village, Virudhunagar District forthwith.

For Petitioner	: Mr.S.Palani Velayutham
For R1 & R2	: Mr.K.S.Selvaganesan
	Additional Government Pleader
For R3 to R5	: Mr.A.R.Ramanathan

O R D E R

Heard the learned counsel on either side.



2. The petitioner and her husband had executed the petition mentioned sale deed in favour of the Standard Fire Works, Private Limited in the year 2012.

3. The petitioner later raised a complaint that it was obtained by deceiving her. She submitted a petition to the second respondent calling upon him to invoke the power under Circular No.67 dated 03.11.2011. Since her request was not processed, she filed W.P.(MD) No.13343 of 2015. By order dated 03.08.2015, the petitioner's complaint was asked to be disposed of. Pursuant to the direction given by this Court, the impugned order dated 22.06.2016 came to be passed and the petitioner was asked to move the jurisdictional Court for relief. Challenging the same, this Writ Petition came to be filed.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to interfere in the matter.

5. Per contra, the learned Additional Government Pleader as well as the counsel appearing for the private respondents submitted that no case has been made out.

6. I carefully considered the rival contentions and went through the materials on record.

7. There is no dispute that the petitioner and her husband executed the sale deed dated 26.11.2012 in favour of the Standard Fire Works Private Limited. The only question raised by the petitioner is that the execution of document was based on trust and that the vendees had held out certain promises and that they did not adhere to those assurances. On this ground, it is not possible to cancel the document that had already been executed. Circular No.67 dated 03.11.2011 itself has been withdrawn. The petitioner ought to have moved only the jurisdictional civil court and the question of invoking power of the statutory authority does not arise at all. The Hon'ble Supreme Court in the decision reported in **2017 (1) CTC 414 (Satya Pal Anand Vs State of M.P and Others)** held that a document once registered cannot be cancelled by the registering authority. The impugned order is sustained. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)



To **மேலாதிபதி**

WEB COPY

1.The Inspector General,
Department of Registration,
Santhome High Road,
Santhome,
Chennai.

2.The District Registrar,
Department of Registration,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.SPL.GP (SR-27083[F] dated 21/06/2022)

+1 CC to M/s.AR. RAMANATHAN, Advocate (SR-27257[F] dated 21/06/2022)

+1 CC to M/s.S. PALANI VELAYUTHAM, Advocate (SR-27524[F] dated 22/06/2022)

W.P. (MD) No.2512 of 2017
and

W.M.P. (MD) No.2104 of 2017
20.06.2022

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