



WEB COPY

WP No.7652 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.7652 of 2023

M.Rajagopal

... Petitioner

Vs.

1.The District Registrar (Administration),
Namakkal.

2.The Sub Registrar,
Office of Komarapalayam Sub Registrar,
Komarapalayam,
Namakkal District.

3.Saminathan

4.Palaniyammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the order passed by the first respondent in Mu.Mu.No.5886/Aa5/2021 dated 13.07.2022 and quash the same.



For Petitioner : Mr.R.Marudhachalamurthy

For Respondents-1 and 2 : Mr.D.Ravichander,
Special Government Pleader.

For Respondents-3 and 4 : Mr.S.Viswanathan for
Mr.I.Siddiq

ORDER

The order passed by the first respondent under Circular No.67 of the year 2011, in proceedings dated 13.07.2022, is under challenge in the present writ petition.

2. It is not in dispute between the parties that the District Registrar entertained a complaint given by the respondents 3 and 4 and cancelled the registered Sale Deed dated 14.12.2018 vide document No.7253 of 2018 on the ground of fraud.

3. The main ground raised in the present writ petition is that the amendment was made and Section 77-A was inserted under the Registration Act, 1908, with effect from 16.08.2022.



4. The impugned order was passed in proceedings dated 13.07.2022, prior to the issuance of the amendments. Thus the District Registrar considered the complaint given by the respondents 3 and 4 under Circular No.67 of 2011, which was withdrawn by the Government prior to amendment and insertion of Section 77-A under the Registration Act, the District Registrar had no powers to cancel the document. Thus, the powers exercised by the District Registrar prior to amendment, is without jurisdiction and therefore, the order cannot be sustained.

5. This Court has not considered the merits of the case. The parties have already instituted a civil suit, which is pending. Therefore, it is for the parties to workout their remedy in the manner known to law, in order to deal with the allegations of registration of fraudulent document or otherwise.

6. In view of the said position, the order impugned passed by the first respondent in proceedings Mu.Mu.No.5886/Aa5/2021 dated 13.07.2022, is quashed and the parties are at liberty to redress their grievances in the manner known to law.



7. Accordingly, the present writ petition stands allowed.

However, there shall be no order as to costs.

25-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The District Registrar (Administration),
Namakkal.

2. The Sub Registrar,
Office of Komarapalayam Sub Registrar,
Komarapalayam,
Namakkal District.

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S.M.SUBRAMANIAM, J.

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