



WEB COPY

WP No.14632 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.14632 of 2021

K.Amutha

... Petitioner

Vs.

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

2.The Deputy Registrar,
Combined Registrar Office Building,
Salem-636 014.

3.The District Registrar,
District Registrar Office,
Salem.

4.The Sub Registrar,
Petthanaickenpalayam,
Salem-636 117.

5.S.Murali



6.Bangajam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of proceedings in Na.Ka.No.2637/E3/2020 dated 28.06.2021 on the file of third respondent and quash the same subsequently cancel the settlement deed stands in favour of sixth respondent in document No.28/2010 on the file of the fourth respondent.

For Petitioner : Mr.P.Dasarathan

For Respondents-1 to 4 : Mr.T.Arunkumar,
Additional Government Pleader.

For Respondents-5 and 6 : No Appearance

ORDER

The order dated 28.06.2021 passed by the third respondent-District Registrar, Salem, is under challenge in the present writ petition.

2. The petitioner submitted an application to cancel the Settlement Deed registered vide document No.28/2010 on the file of the fourth respondent-Sub Registrar, Petthanaickenpalayam. The complaint



submitted by the petitioner on 26.04.2021 was enquired into by the District Registrar and the Authorities found that the procedures followed by the Sub Registrar for the purpose of registering the document, cannot be construed as fraudulent execution and accordingly rejected the complaint given by the petitioner.

3. The order impugned states that the petitioner is at liberty to prefer an appeal before the Deputy Inspector General of Registration, Salem, but the petitioner has not exhausted the appellate remedy and approached the High Court by way of filing the present writ petition.

4. During the relevant point of time, the District Registrar was not empowered to cancel the document under the provisions of the Registration Act, based on the Circular No.67 of 2011. The power was being exercised for cancellation of document and the Inspector General of Registration has withdrawn the said Circular and thus, the power conferred to cancel the document was withdrawn.



5. Therefore, this Court do not find any infirmity in respect of the order passed by the third respondent dated 28.06.2021. The petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of declaration of document as null and void on merits and in accordance with law.

6. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs.

20-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.

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