



WEB COPY



W.P No.18481 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.18481 of 2022

and

W.M.P.No.17822 of 2022

1.K.Suresh Babu

2.Sureka Suresh

...Petitioners

Vs.

1.The Inspector General of Registration,
Santhome high Road, Mullima Nagar,
Mandaivelipakkam, Raja Annamalaipuram
Chennai 600 028.

2.The District Registrar,
JVC Complex, near ICMR,
Thiruvallur District 602 001.

3.The Sub Registrar,
184 / 12G, State Highway 50,
Pungathur, SP Nagar, Thiruvallur,
Tamil Nadu 602 001.

4.R. Manikandan

5.T. Kamaraj Nadar

6.Pachaikili

7.K.Rajesh

8.K.Ramesh



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...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 relating to the impugned notice dated NIL.06.2022 in Na.Ka.No. 875 / A2 / 2022 issued by the 2nd respondent under Section 68 (2) of the Registration Act, 1908 and quash the same and further direct the respondents 1-3 not to cancel, annul or rectify the sale deeds in favour of the petitioners.

For Petitioners	: Ms.Sawburnika for Mr.Dhanaram
For Respondents	: Mr.D.Ravichander Spl.Govt.Pleader [R.1 to 3] : Mr.A.R.Suresh [R.4] : No Appearance [R.5 to 9]

ORDER

The inquiry notice dated June 2022 is under challenge in the present writ petition.

2.The inquiry notice was issued by the second respondent under Section 68(2) of the Registration Act. The Inspector General of Registration issued Circular No.67 of the year 2011 for conducting inquiries to cancel the registered document. However, the said circular has already been withdrawn



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and therefore, the second respondent cannot exercise the powers to cancel the document based on the inquiry initiated through the impugned notice.

3.However, an amendment was made and Section 77-A was inserted in the Registration Act. Section 77-A provides power to the District Registrar to cancel the document if it was registered fraudulently or through impersonation. However, the inquiry commenced, based on the Circular No.67 of the year 2011, cannot be sustained. Thus, the aggrieved persons including the respondents are at liberty to initiate all appropriate actions to redress their grievances in the manner know to law.

4.In view of the fact that the circular has already withdrawn, the inquiry cannot be sustained. Consequently, the impugned notice dated June 2022 in Na.Ka.No. 875 / A2 / 2022 issued by the second respondent is quashed and the writ petition stands **allowed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.08.2023

Index : Yes
Internet: Yes
Speaking Order
Neutral Citation Case: Yes
(Sha)



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S.M.SUBRAMANIAM, J.
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- To**
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Chennai 600 028
 - 2.The District Registrar
JVC Complex, near ICMR,
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 - 3.The Sub Registrar
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