



W.P.No.24508 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

W.P.No.24508 of 2017

1. Mrs.S.Bhuvaneswari

2. Mrs.K.Kalyani

3. Mrs.R.Eswari

4. Mrs.K.Lakshmi

... Petitioners

**Vs.**

1. Special Secretary,  
Government of Puducherry,  
Department of Revenue and Disaster Management,  
Office of Inspector General of Registration,  
Puducherry.

2.The District Registrar,  
New Saram,  
Puducherry-605 008.

3.Smt.Vasanth

4.Mr.G.Suresh,

5.Mr.Mahalingam,



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6.Mr.N.Ravi

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7.The Sub-Registrar  
Villianur Sub-Registrar Office,  
Pondicherry

... Respondents

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the impugned proceeding No.7112/ DRDM/ C3/ Regn./ 2017 dated 11.07.2017 of the first respondent herein and quash the same and consequentially direct the 1st and 2nd respondents herein to pass appropriate order to cancel the forgery documents:

- (i) No.1165/ 1994 executed on 31.03.1994 and registered on 03.06.1994;
- (ii) Alleged sale deed under document No.2013 of 1997 dated 27.10.1997 for the part of 66.00 sq.mt. out of 108 sq.mt;
- (iii) Alleged further sale deed under Document No.1160 of 2000 dated 01.06.2000 for the same property.
- (iv) Alleged sale deed for the remaining part of 42 sq.mt. of vacant land under sale deed document No.817 of 2003 dated 26.03.2003; by strictly complying with the provisions of the Circular NO.8969/REGN/C3/DRDM/2014 dated 18.03.2015 passed by the first respondent herein.

|                 |                                                    |
|-----------------|----------------------------------------------------|
| For Petitioners | : Mr.G.Thangavel                                   |
| For Respondents | :                                                  |
| (R1, R2 & R7)   | : Mr.M.Nirmal Kumar,<br>Govt.Advocate (Puducherry) |
| (R3, R4 & R6)   | : No Appearance                                    |
| (R5)            | : Not ready in Notice                              |



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## **ORDER**

The writ on hand has been instituted questioning the validity of the impugned proceedings dated 11.07.2017 issued by the first respondent and consequentially direct the respondents 1 and 2 to cancel the forged document as described in the writ petition. The petitioners state that they are the absolute owners of the property morefully described in the present writ petition.

2.The respondents 3 to 6 executed certain fraudulent documents and to cancel the said documents, the petitioners submitted an application to the second respondent / District Registrar. The second respondent passed the impugned order stating that the documents registered cannot be cancelled under the Registration Act and accordingly, relegated the petitioners to approach the competent Civil Court of law for the purpose of redressal of their grievances.

3.Unlike the Government of Tamil Nadu, there is no amendment issued conferring power on the District Registrar to cancel the registered document under the Registration Act. In the absence of any power to cancel



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the document under the Registration Act, the authorities under the provisions of the Registration Act is not vested with the powers to cancel.

4.The powers of the Registering Authority under the provisions of the Registration Act, 1908, to cancel the registered documents are well enumerated by the three Judge Bench of the Hon-ble Supreme Court of India, in the case of ***Satya Pal Anand vs. State of Madhya Pradesh and others, reported in (2016) 10 SCC 767***. The Relevant portion of said Judgment reads as under:~

*“34. The role of the Sub~Registrar (Registration) stands discharged, once the documents is registered (see Raja Mohammad Amir Ahmad Khan) Section 17 of the 1908 Act deals with documents which require compulsory registration. Extinguishment deed is one such document referred to in Section 17 (1) (b). Section 18 of the same Act deals with documents, registration whereof is optional. Section 20 of the Act deals with documents containing interlineations, blanks, erasures or alterations. Section 21 provides for description of property and maps or plans and Section 22 deals with the description of houses and land by reference to government maps and surveys. There is no express provision in the 1908 Act which empowers the Registrar to recall such registration. The fact whether the*



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*document was properly presented for registration cannot be reopened by the Registrar after its registration. The power to cancel the registration is a substantive matter. In absence of any express provision in that behalf, it is not open to assume that the Sub-Registrar (Registration) would be competent to cancel the registration of the documents in question. Similarly, the power of the Inspector General is limited to do superintendence of Registration Offices and make rules in that behalf. Even the Inspector General has no power to cancel the registration of any document which has already been registered.? ”*

5. In view of the fact that there is no provision under the Registration Act conferring powers on the District Registrar to cancel the registered document, the petitioners have no option but to approach the competent Civil Court of law for appropriate relief. Thus, this Court do not find any infirmity in respect of the orders passed by the respondents and the petitioners are at liberty to approach the Civil Court of law for the purpose of redressal of their grievances.

6. Accordingly, the writ petition stands **disposed of**. No costs.

(sha)  
Index : Yes  
Speaking Order

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Neutral Citation : Yes

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**S.M.SUBRAMANIAM. J.,**

(sha)

To

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Department of Revenue and Disaster Management,  
Office of Inspector General of Registration,  
Puducherry.

2.The District Registrar,  
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