



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.162 of 2023

Chandrasekaran

... Petitioner

v.

1.The District Registrar,
Department of Registration,
Office of the District Registrar,
Tenkasi, Tenkasi District.

2.The Sub Registrar,
Surandai, Tenkasi District.

3.Panchavarnakili

4.Muthu Eswari

5.Raja

6.Prabakaran

7.Karthikeyan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 19.12.2022 submitted for cancelling a false, fake and forged document as registered on the file of the Sub Registrar, Surandai, Tenkasi District as Document No.1435 of 2015 in favour of the



seventh respondent by collusion with respondents 3 to 6 and pass suitable orders for the cancellation of the same forthwith and thus render justice.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1&R2

Mr.R.Gokul for R5 to R7

R4 – No appearance

ORDER

Heard the learned counsel on either side.

2.The petitioner wants the first respondent to consider his representation for cancelling the petition mentioned document. The relief sought for cannot be granted for two reasons. The document was registered in the year 2015. During the relevant year, there was no circular or statutory provision in operation enabling the registering authority to cancel the registered document. The petitioner cannot therefore take advantage of the subsequently issued circular or amended legal provision. Such circulars will not operate retrospectively.



3.The learned counsel for the private respondents points out that the Principal District Munsif Court, Tenkasi is seized of the matter in O.S No.391 of 2015 and it was transferred to Principal Sub Judge, Tenkasi and re-numbered as O.S No.684 of 2022. It is said to be for declaration and permanent injunction. When the jurisdictional civil court is seized of the matter, it will not be proper on the part of the registering authority to go into the issue of title.

4.Leaving open all the contentions and defences of the petitioner, this writ petition is disposed of. No costs.

03.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
SKM

To

1.The District Registrar, Department of Registration,
Office of the District Registrar, Tenkasi, Tenkasi District.

2.The Sub Registrar, Surandai, Tenkasi District.



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G.R.SWAMINATHAN, J.

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