



W.P(MD)No.983 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.983 of 2023

Jaburnisha @ Saburnisha

... Petitioner

Vs.

1.The District Registrar (Admin),
District Registrar Office,
Periyakulam,
Theni District.

2.The Sub Registrar,
Sub Registrar Office,
Bodinayackanur,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 15.11.2022 as per the Circular issued by the Inspector general of registration Letter No.33760/U1/2022 dated 27.09.2022 within the time limit stipulated by this Court.

For Petitioner : Mr.K.Prakash

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader.



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ORDER

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Heard the learned counsel on either side.

2.The petitioner wants this Court to direct the first respondent to cancel the document executed on 31.01.2009 (Document No.558 of 2009) on the file of the second respondent. Vide order dated 02.01.2023 in W.P.(MD)No.6947 of 2019 (E.Geetha Helan Alexandria and Others Vs. The Joint Sub Registrar No.II, Dindigul and Others), I had held that the petitioner cannot take advantage of subsequently issued circulars as well as Section 77A of the Registration Act. I had held that these provisions will not apply retrospectively. During the year 2013, Circular No.67 alone was in force. Even that was withdrawn subsequently. Orders passed under the said circular were ordered to be recalled. In these circumstances, the petitioner has to establish her civil rights only before the jurisdictional Civil Court.

3.Granted such liberty to the writ petitioner, the writ petition is disposed of. No costs.

31.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:-

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G.R.SWAMINATHAN, J.

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