



W.P(MD)No.1279 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1279 of 2023

T.Thanga Karuvelam

... Petitioner

Vs

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

2.The Sub Registrar,
Department of Registration,
Alangulam Sub Registrar Office,
Tenkasi District.

3.K.Shanmugathammal.

... 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 05.01.2023 submitted for cancelling a false, fake and forged document in respect of his property bearing Survey Nos. 512/1A, 512/1B, 512/1C measuring to an extent of 2 acres and 50 cents situated at Alangulam Village, Tenkasi District registered as Document No. 4602 of 2014 on the file of the Sub Registrar, Alangulam, Tetnkasi District by the second respondent.



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For Petitioner : Mr.S.Palani Velayutham
For Respondents : Mr.N.Satheeskumar
Additional Government Pleader
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

2.The petitioner seeks cancellation of the petition mentioned document. The document was executed and registered in the year 2014. During the relevant time there was no provision corresponding to Section 77-A of the Registration Act. It is true that Circular No.67 dated 03.11.2011 issued by the Inspector General of Registration was in operation then. But the said circular was subsequently withdrawn and orders passed under the said circular were directed to be recalled. The petitioner cannot call upon the first respondent to apply a circular or a statutory provision retrospectively for the reasons set out in W.P(MD)No.6947 of 2019 (*E.Geetha Helan Alexandria & Others Vs The Joint Sub Registrar No.II, Dindigul Sub-Registrar Office, Dindigul & Others*) dated 02.01.2023. Therefore, the relief sought for in this writ petition cannot be granted.



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3.This writ petition is dismissed. The civil rights of the writ petitioner to question the petition mentioned document are left open. The petitioner can go to the jurisdictional civil Court to establish his rights. There shall be no order as to costs.

24.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Registrar,
Department of Registration,
Office of the District Registrar,
Tenkasi District,
Tenkasi.
- 2.The Sub Registrar,
Department of Registration,
Alangulam Sub Registrar Office,
Tenkasi District.



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G.R.SWAMINATHAN, J.

MGA

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