



W.P(MD)No.2412 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2412 of 2023

Umamaheshwari

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
Santhom,
Chennai District.

2.The District Registrar (Administration),
O/o. District Registrar,
Madurai(South),
Integrated Registration Office,
Rajakambeeram,
Madurai District.

3.The Sub Registrar,
Joint IV Sub Registrar Office,
Palanganatham,
Madurai District.

4.Tharmar

5.Solomon

6.Makendran

7.Eswaramoorthy



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8.Palanichamy

9.Malliga

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent herein to conduct enquiry in Na.Ka.No.10284/அ2/2022, dated 16.12.2022 for cancelling the sale deed in documents Nos.8567/2005, 7250/2008, 9299/2010 before the third respondent by conducting enquiry based on the Form-I under Section 77(A) of Registration Act, 1908 by considering the petitioner's reply along with enclosing the documents on 28.12.2022 within a time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 to R3

ORDER

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

2. The prayer sought for in the writ petition cannot be granted. The petitioner seeks cancellation of the petition mentioned document that were executed and registered in the years 2005 to 2010. During the relevant time, Section 77(A) of the Registration Act was not in the statute book.



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The petitioner cannot take advantage of subsequently issued circulars or amendment. This issue had already been decided by me vide order dated in W.P.(MD)No.6947 of 2019, dated 02.01.2023 (E.Geetha Helan Alexandria Vs. Joint Sub Registrar No.II, Dindigul). If the petitioner is of the view that her civil rights has been infringed, she has to necessarily move the jurisdictional civil Court for relief. I make it clear that I have not gone into the merits of the matter. I however held that the second respondent is not the authority to conduct enquiry sought for by the petitioner.

3. Leaving open all the other rights and remedies of the writ petitioner, the Writ Petition is dismissed. No costs.

07.02.2023

Index : Yes / No

Internet : Yes/ No

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To

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2.The District Registrar (Administration),
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3.The Sub Registrar,
Joint IV Sub Registrar Office,
Palanganatham,
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