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W.P.(MD)No.2529 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2529 of 2023

P.Rasu @ Gurunathan

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Rajagambeeram,
Thirumogoor Road,
Othakadai, Madurai District.

2.The District Registrar,
Theni District,
Theni.

3.The Sub-Registrar,
Sub-Registrar Office,
Andipatti,
Theni District.

4.Chellammal

5.Karuppanan

... Respondents

PRAYER : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to cancel the forged Thana Settlement deed in document number 3516/2008 and 3517/2008 dated 25.07.2008 in respect of the survey numbers 535/5,



535/9, 537/2E, 537/2I, 535/2, 536/1B, 536/1F, 536/1J, 536/1P, 536/1R, 536/1Q situated at Pullimankombai village, Andipatti, Theni District on the basis of the representation by the petitioner dated 5.01.2023.

For Petitioner : Mr.J.Balameenakshi
For R1 to R3 : Mr.S.Shanmugavel
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3.

2.The prayer sought for in this writ petition cannot be granted 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 cancellation can be sought only in respect of the documents that were registered after the introduction of Section 77A of the Registration Act and also held that the circulars issued by the IG of Registration will not operate retrospectively. The petitioner seeks cancellation of the documents registered in the year 2008. During the relevant time neither the circular was there nor Section 77A of the Registration Act was there in the Statute Book. The petitioner has to



necessarily establish his right only before the jurisdictional civil Court.

He cannot get any relief at the hands of the second respondent.

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

08.02.2023

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

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To

1. The Deputy Inspector General of Registration,
Rajagambeeram, Thirumogoor Road,
Othakadai, Madurai District.
2. The District Registrar, Theni District, Theni.
3. The Sub-Registrar, Sub-Registrar Office, Andipatti, Theni District.



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G.R.SWAMINATHAN,J.

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