



W.P(MD)No.2702 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2702 of 2023

and

W.M.P.(MD)No.2459 of 2023

G.Ponnupillai

... Petitioner

Vs.

1.The District Registrar,
Administration,
District Registrar Office,
Periyakulam, Theni District.

2.The Sub Registrar,
Office of the Sub Registrar,
Theni,
Theni District.

3.The Sub Registrar,
Office of the Sub Registrar,
Chinnamanur,
Theni District.

4.P.Somasundaram

... 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 first respondent to order for enquiry by the second respondent about the fraudulent transfer of



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property effected by the fourth respondent as per Document No.10561 / 2022 and not to register any sale transaction by the second and third respondents with regard to the petitioner's property till the disposal of the enquiry.

For Petitioner : Mr.V.R.G.Mohan

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader for R1 to R3

ORDER

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

2. The fourth respondent is none other than the son of the petitioner. The petitioner executed settlement deed in favour of his son on 28.06.2002. Based on the said settlement deed, the fourth respondent had entered into a deed of exchange in the year 2005 (07.11.2005). The other party to the said exchange deed is one Maharajan. The said Maharajan has not been shown as party in the present writ petition.

3. The case of the petitioner is that though the settlement deed was executed in the year 2002, it was never acted upon and the original document is still with the writ petitioner. The petitioner had also made paper publication. However, the fourth respondent had chosen to project as if the document had gone missing and based on such averment, had concluded the exchange transaction with the said Maharajan. The petitioner wants this Court to direct



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the first respondent to conduct an enquiry in this regard.

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4. The petitioner has slept for too long. Admittedly, the transactions are of the year 2002-05. During the relevant time, there were no circular or statutory provision enabling the registering authority to cancel the registered document. The petitioner cannot take advantage of subsequent legal developments. Vide order dated 02.01.2023 in W.P.(MD)No.6947 of 2019, (E.Geetha Helan Alexandria Vs. Joint Sub Registrar No.II, Dindigul), I had held that the circulars issued by the IG of Registration as well as Section 77 A of the Act will not operate retrospectively.

5. In that view of the matter, no relief can be granted to the petitioner. The petitioner has to establish his rights only before the jurisdictional civil Court. I make it clear that I have not gone into the merits of the matter.

6. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.02.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

rmi

To

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Periyakulam, Theni District.
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