



W.P.(MD)No.13709 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.13709 of 2021

R.Ramesh Babu

... Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road, Chennai.

2.The Deputy Inspector General
of Registration, Madurai.

3.The District Registrar (Admin),
Department of Registration,
Palani, Dindigul District.

4.The Sub-Registrar – No.I,
Palani,
Dindigul District.

5.Shanmugaraj.C

6.K.Premkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the District Registrar, Palani the 3rd respondent herein to modify or cancel the order dated 26.03.2019 based on the circular dated 08.11.2017 and 31.07.2018 of the 1st respondent considering the representation of the petitioner dated 24.03.2021 and 03.4.2021 in respect of landed property of an extent of 1 cent (437 1/2 sq.ft) situate in survey No.644/2 at A Kalaiyamputhur Village, Palani Taluk, Dindigul District.



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For Petitioner : Mr.S.Siva Thilakar

For R-1 to R-4 : Mr.K.S.Selva Ganesan,
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the third respondent to modify / cancel the order dated 26.03.2019, based on the representation made by the petitioner with respect to the property situated in Survey No.644/2, measuring an extent of one cent (437 ½ Square Feet), at A.Kalaiyamputhur Village, Palani Taluk, Dindigul District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondent Nos.1 to 4.

3. The case of the petitioner is that he purchased two house site plots situated in Survey Nos.643/1, 643/2 and 644 at A.Kalaiyamputhur Village, Palani Taluk, Dindigul District, through a registered sale deed dated 25.01.2016 from the sixth respondent. The petitioner sold an extent of one cent through a registered sale deed dated 12.04.2016. This property was again re-conveyed by the sixth respondent in favour of the petitioner by way of a registered sale deed. In the meantime, there was some dispute between the fifth and sixth respondents and the fifth respondent had made an application before the District Registrar to cancel the documents registered as Document Nos.5 / 2014 and 1142/2016 on



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the ground that they are forged documents. The District Registrar through proceedings dated 26.03.2019 cancelled the registration of both the documents based on the proceedings of the Revenue Authorities. According to the District Registrar, the revenue records were forged and it was fabricated by the sixth respondent and in view of the same, the documents were cancelled.

4. The grievance of the petitioner is that the forgery of the revenue records does not pertain to the property belonging to the petitioner in Survey No.644/2 measuring an extent of one cent at A.Kalaiyamputhur Village and whereas, the cancellation of the document has now affected the right of the petitioner also with respect to a property which had nothing to do with the dispute between the fifth and sixth respondents. According to the petitioner, the Revenue Authorities have not cancelled the patta with respect to one cent of the property situated at Survey No.644/2 at A.Kalaiyamputhur Village, Palani Taluk, Dindigul District. Therefore, the petitioner has made a representation to the District Registrar to modify the order and thereby, exclude Survey No.644/2 from the purview of the order passed by the District Registrar. Since the same was not acted upon, the present Writ Petition has been filed before this Court.

5. In the considered view of this Court, the third respondent does not have any right to modify or cancel his order and the third respondent has become a *functus officio*, the moment the orders were passed. In view of the



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same, the grievance that has now been expressed by the petitioner can be dealt with only by the Deputy Inspector General of Registration viz., the second respondent in the writ petition.

6. In view of the above, it is left open to the petitioner to make a fresh representation before the second respondent within a period of thirty (30) days from the date of receipt of a copy of this order. The second respondent shall deal with the same on its own merits and in accordance with law and pass final orders within a period of eight (8) weeks thereafter after affording an opportunity to all the interested parties.

7. This Writ Petition is disposed of with the above directions. No costs.

06.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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N.ANAND VENKATESH, J.

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