



W.P.(MD)No.21598 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21598 of 2021
and
W.M.P.(MD).No.18155 of 2021

1.T.Natarajan

2.T.Selvaraj

3.T.Sekaran

4.T.Thangaraj

5.S.Valarmathi

... Petitioners

Vs.

1.The District Revenue Officer,
O/o. the District Revenue Officer,
Palani-624 601,
Dindigul District.

2.The Sub Registrar,
O/o. Sub Registrar,
Vadamadurai-624 802,
Dindigul District.

3.The Deputy Inspector General (Registration),
O/o. Deputy Inspector General (Registration),
Rajakampeeram, Y.Othakadai-625 107, Madurai.



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4.The Special Tahsildar,
O/o. Tahsildar,
Vedasendur-624 710,
Dindigul District.

5.The Village Administrative Officer,
O/o. Village Administrative Officer,
Vadamadurai-624 802,
Dindigul District.

6.T.Perumal

7.P.Karthikeyan

8.P.Subburam

9.R.Loganathan

10.A.Tharmaraj

11.S.Jeyalakshmi

12.C.Sakthi Prabhakaran

13.M.Perumal

14.M.Devaraj

15.M.Mohamed Nasurdeen

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents Nos.1 to 5 to consider the petitioners' representation dated 28.09.2021 for cancel the forged documents created by the respondents No.6 to 15.



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For Petitioners : Mr.M.Sheik Abdullah
For R-1 to R-5 : Mr.A.K.Manikkam,
Special Government Pleader
For R-6 to R-15 : No Appearance

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing respondent Nos.1 to 5 to consider the representation made by the petitioners on 28.09.2021, wherein, the petitioners have sought for the cancellation of the forged documents dated 22.02.2008 and 10.09.2020.

2. Heard the learned counsel on either side.

3. In the considered view of this Court, the power that was conferred to the District Registrar under Section 77A of the Registration Act, 1908, to cancel the fraudulently executed and registered documents, have been kept in abeyance by the Circular issued by the Inspector General of Registration in Circular No.3 of 2023, dated 29.09.2023, since an issue has been raised as to whether the power under Section 77 (A) can be exercised retrospectively and even the documents which were executed



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prior to the coming into force of the provision can be cancelled. This issue is also pending before the Principal Bench of this Court.

4. In view of the above, the relief as sought for by the petitioners cannot be granted by this Court at this stage. As and when the power of the Registrar is revived after the issue is decided by this Court, it will be left open to the petitioners to work out their remedy in the manner known to law.

5. This Writ Petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

21.11.2023

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



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N.ANAND VENKATESH, J.

tsg

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