



W.P(MD)No.10208 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10208 of 2015

and

M.P(MD)No.2 of 2015

1.Usha
2.Uma

... Petitioners

Vs

1.The Inspector of General,
Registration Department,
No.10, Santhom High Way Road,
Chennai – 28.

2.The District Registrar (Admin),
Sivagangai,
Sivagangai District – 630 561.

3.The Sub Registrar,
Manamadurai,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to publish in document No.130 of 1998, book No:1 dated 12.02.1998 as annulled on the file of the third respondent within a stipulated time pending disposal of the above writ petition.



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For Petitioners : No Appearance

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

None appears for the writ petitioners.

2. The prayer in this writ petition is for annulling the petition mentioned document under Circular No.67 dated 03.11.2011. The said circular itself has subsequently been withdrawn. During the relevant time, the registering authority did not have the power to cancel the registration of a document. Of course, the said power has now been given under Section 77 (A) of the Registration Act, 1908. I have taken the view that this provision cannot retrospectively operate. The petitioners have to establish their rights before the jurisdictional civil Court.

3. Granting such liberty to the petitioners, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.07.2023

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



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