



W.P(MD)No.12262 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12262 of 2015

Balaiah Konar

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Foreshore Estate,
Chennai-600 028.

2.The District Registrar of Registration,
57, Railway Feeder Road,
Near New Bus Stand,
RTO Complex,
Tenkasi,
Tirunelveli District.

3.The Sub Registrar of Registration,
1/78, Sankarankovil Road,
Veerasigamani,
Sankarankovil Taluk,
Tirunelveli District.

4.Subbu Lakshmi

... 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 respondents to delete the entry of sale deed, dated 28.01.2005 and registered in 3rd respondents office on 31.01.2005, as document no. 116/2005 in Volume 235



W.P(MD)No.12262 of 2015

page 223, with respect to 42 cents, equivalent to 0.17.0 hecets in Ayan Punjai S.No. 273/3B, in Veerasigamani revenue village, in Sankarankovil taluk, Tirunelveli District, as per the contemplated provisions of Tamil Nadu Registration Rules and Registration Act.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.M.Siddharthan
Additional Government Pleader for R1 to R3
: Mr.A.Haja Mohideen for R4

ORDER

Heard the learned counsel on either side.

2. The prayer in the writ petition is for deleting the petition mentioned entry in the encumbrance register.

3. The case of the petitioner is that the sale deed based on which the 4th respondent's vendor sold the property had been nullified in the civil proceedings.

4. The case of the 4th respondent is that questioning the same, appeal has been filed. The learned counsel for the 4th respondent would add that the petitioner is no more. The petitioner's counsel does not have instructions on that aspect.

5. The petitioner's counsel draws my attention to Rule 118 of the Registration Rules. It is as follows:-



W.P(MD)No.12262 of 2015

“118. If a registered document is declared by a Court to be a forgery or to have been registered under admission made by a person who falsely personated the executant a note calling attention to the fact shall be entered at the foot of the entry in the register and when practicable on the document.”

6. If the petitioner is no more, his legal heirs may submit a petition before the third respondent under the aforesaid Rule by setting out all the particulars and the third respondent shall hold an enquiry and pass an order and act as per the aforesaid statutory mandate. The entire exercise shall be completed within a period of ten weeks from the date of receipt of a copy of the fresh application.

7. The Writ Petition is disposed of accordingly. No costs.

25.09.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The Inspector General of Registration,
Santhome High Road,
Foreshore Estate,
Chennai-600 028.

2.The District Registrar of Registration,
57, Railway Feeder Road,
Near New Bus Stand,
RTO Complex,
Tenkasi, Tirunelveli District.



WEB COPY



W.P(MD)No.12262 of 2015

G.R.SWAMINATHAN, J.

rmi

3.The Sub Registrar of Registration,
1/78, Sankarankovil Road,
Veerasigamani,
Sankarankovil Taluk,
Tirunelveli District.

W.P(MD)No.12262 of 2015

25.09.2023