



W.P.(MD).No.15050 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.15050 of 2015

and

M.P.(MD).No.2 of 2015

1.K.Mayilvaganan

2.D.Poomani

3.C.Natarajan

4.Chakrapani

... Petitioners

Vs.

1.The District Registrar,
Ramnad District,
Ramanathapuram.

2.Grammar Chandy Green Foundation,
Pattukkottai,
No.16, First Floor,
St.John Church Commercial Complex,
No.6, Rockins Road,
Trichy - 620 001.

3.E.D.Charles,
Secretary,
Managing Committee,
Tamil Evangelical Lutheran Church,
PB No.86, Tranquebar House,
Trichy-1.



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4. Tamil Evangelical Lutheran Church
Represented through its
Secretary Mr. Vinoth,
Muthukulathur Gurusegaran,
Ramnad District.

(R-4 is substituted vide Court order dated 09.01.2023 in W.M.P.(MD).No.531 of 2023 in W.P.(MD).No.15050 of 2015)

5. The Tamil Evangelical Lutheran Church
Represented by its Bishop,
H.A.Martin,
Office at Tranquebar House,
Trichy.

6. M. Manthiri Rajkumar (Died)

7. M. Padma

8. M. Alwin

9. M. Kanimozhi

...Respondents

(R-7 to R-9 are impleaded vide Court order dated 21.12.2022 in W.M.P.(MD).No.17974 of 2022 in W.P.(MD).No.15050 of 2015)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order of the 1st respondent in Na.Ka.No.887/M1/2015 dated 10.07.2015, quash the same.

For Petitioners : Mr.C.Jegannathan

For R-1 : Mr.S.Shanmugavel,
Additional Government Pleader.



For R-2 : No appearance
For R-4 : Mr.N.Mariappan

ORDER

The Writ Petition has been filed to quash the order passed by the first respondent dated 10.07.2015.

2. The impugned order has been made pursuant to Circular No.67 dated 03.11.2011. This Circular had been quashed by the Hon'ble Supreme Court. In view of the fact that the Circular has been held to be bad by the Hon'ble Supreme Court, an order passed pursuant to the said Circular is also an order passed without jurisdiction. Hence, the same is liable to be set aside. The impugned order passed by the first respondent is set aside.

3. By way of an amendment, Section 77 A has been inserted in the Registration Act, 1908 empowering the District Registrar to conduct an enquiry on an application by the affected parties and to set aside the registered document, if a fraud has been played during the course of registration. Hence, it is open to the aggrieved parties to approach the District Registrar to invoke the provisions of Section 77 A of the Registration Act. The period of limitation,



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if any, shall stand excluded by excluding the period from the date of filing of this Writ Petition till the date of the order passed in this Writ Petition.

4. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

09.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

The District Registrar,
Ramnad District,
Ramanathapuram.



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K.KUMARESH BABU, J.

Lm

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and
M.P.(MD).No.2 of 2015**

09.01.2023