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W.P.(MD)NO.13333 OF 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13333 of 2018

K.Ramprakash

... Petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Court Compound,
Cantonment,
Trichy – 620 001.

2. The Sub Registrar Joint III,
Townhall,
Trichy -2.

3. R.Panjabikesan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in Na.Ka.No.603/Aa4/2018 dated 09.05.2018 and quash the same as illegal.

For Petitioner : Mr.M.P.Senthil

For R-1 & R-2 : Mr.S.Shanmugavel,
Additional Government Pleader.

For R-3 : Mr.Muthu Vijaya Pandiyan

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ORDER

Heard the learned counsel on either side.

2. Feeling aggrieved by the registration of the petition-mentioned documents, the petitioner submitted petitions on 03.10.2012 and 22.01.2018 for cancelling the same. The petitioner invoked circular No.67 dated 03.11.2011. The petitioner's request was not accepted by the first respondent. The first respondent relegated the petitioner to move the jurisdictional civil Court. He also took note of the fact that the civil suits are already pending between them. Challenging the stand of the first respondent, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner submitted that the third respondent had committed forgery and that the petitioner submitted a representation to respondents 1 and 2 to conduct enquiry under Section 82 of the Registration Act. According to him, the documents presented by the third respondent contains false recitals.



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4. The petitioner's counsel would also allege that the third respondent produced false patta. He would add that Tamil Nadu Act 14 of 1982 has been invoked against the third respondent.

5. I do not want to go into the merits of the matter. Section 77A of the Registration Act provides for cancellation of documents. But it cannot operate retrospectively. Circular No.67 dated 03.11.2011 has been withdrawn. The circular issued by the IG of Registration in the year 2018 provided for declaration of certain registered documents as fraudulent. But then, the petition-mentioned documents were executed and registered in the years 2011 and 2012 itself. Therefore, those circulars cannot apply. I am therefore not in a position to interfere with the impugned order. It is seen that the petitioner has been knocking the doors of the department for the relief. Thereafter, the present writ petition came to be filed.



6. The petitioner is therefore permitted to amend the suit prayer in O.S.No.502 of 2013 on the file of the II Additional District Munsif, Trichy for including the prayer for declaration regarding the validity of the petition-mentioned documents. If such an IA is filed within a period of four weeks from the date of receipt of a copy of this order, the same will be considered on merits and disposed of in accordance with law. Limitation will not be put against the petitioner.

7. With this liberty to the petitioner, this writ petition stands disposed of. No costs.

04.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

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5

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G.R.SWAMINATHAN,J.

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