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W.P.(MD)NO.21186 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21186 of 2015 AND

W.M.P.(MD)No.215 of 2016

M.Jeevanantham

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome Road,
Chennai.

2. The District Collector,
Ramanathapuram District.

3. The Registrar,
Ramanathapuram District.

4. The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.

5. The Sub Registrar,
Kamuthi,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to instruct the second respondent to cancel the fraudulent sale deed made in document No.1026 of 2015 on the file of the fifth respondent based on the representation dated 19.09.2015.



For Petitioner : No appearance.
For Respondents : Mrs.K.Christy Theboral,
Additional Government Pleader.

* * *

ORDER

None appears for the writ petitioner.

2. The prayer in the writ petition is for directing the first respondent to instruct the second respondent to cancel the petition-mentioned sale deed registered on the file of the fifth respondent.

3. Once the document has been registered, it cannot be cancelled by the registering authority. This was the position that originally obtained. However on account of the incorporation of Section 77A of the Registration Act 1908, the power of cancellation has now been conferred. Such provision cannot operate retrospectively.



4. The petitioner therefore has to necessarily move the jurisdictional civil Court for relief for establishing his rights.

With this liberty to the petitioner, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.07.2023

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

To:

1. The Inspector General of Registration,
Santhome Road,
Chennai.
2. The District Collector,
Ramanathapuram District.
3. The Registrar,
Ramanathapuram District.
4. The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.
5. The Sub Registrar,
Kamuthi,
Ramanathapuram District.



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G.R.SWAMINATHAN,J.

PMU

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