



W.P.(MD)No.21123 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21123 of 2021

Murugan

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
Periyakulam,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to cancel the registered document no.134 of 1961 dated 21.01.1961 at SRO, Theni pertaining to Survey No.191 of Alli Nagaram, Theni Taluk and District and other documents followed by the above sale deed as per the amended provision of Section 77 A of the Registration Act, 1908, based on the petitioner's representation dated 02.11.2021.



W.P.(MD)No.21123 of 2021

For Petitioner : Mr.T.Ramasamy

For Respondents : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to cancel the registered document dated 21.01.1961 registered as Document No.134/1961 pertaining to the subject property by considering the representation made by the petitioner on 02.11.2021.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioner is that a fraudulent document has been created in the year 1961 by impersonating the grandfather of the petitioner. The further case of the petitioner is that his father continued to be in possession and enjoyment of the property and he had made representation seeking for cancellation of the fraudulent document. This representation was rejected by the order passed by the District Registrar dated 03.08.2015. Aggrieved by the same, a Writ Petition was filed before this Court in W.P.(MD)No.16882 of 2015 and



W.P.(MD)No.21123 of 2021

this Writ Petition was also dismissed by this Court vide order dated 13.07.2021,

on the ground that Circular No.67 has already been withdrawn by the Inspector General of Registration.

4. Pursuant to the above developments, the petitioner made a fresh representation to the second respondent seeking for cancellation of document by placing reliance upon Sections 77-A and 77-B of the Registration Act. Since the same was not considered, the present Writ Petition has been filed before this Court.

5. In considered view of this Court, there is no question of the registering authority interfering with a document that was registered in the year 1961. Even assuming that there was impersonation, it is almost impossible to really trace the person who has done such impersonation at that point of time. In any case, this issue can never be gone into by the registering authority in view of the fact that the Inspector General of Registration has already issued the Circular dated 29.09.2023, by keeping the powers under Sections 77-A of the Act in abeyance till the matter is resolved by the Larger Bench of this Court, where it is pending.



W.P.(MD)No.21123 of 2021

6. In view of the above, the relief sought for by the petitioner in this Writ Petition cannot be granted by this Court. Accordingly, this Writ Petition stands dismissed. No costs.

20.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

Nsr

To

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
Periyakulam,
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W.P.(MD)No.21123 of 2021

N.ANAND VENKATESH, J.

Nsr

W.P.(MD)No.21123 of 2021

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