



W.P.(MD)No.21914 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21914 of 2021

C.Dineshkumar

... Petitioner

-VS-

- 1.The Inspector General of Registration,
Office of the Inspector General of Registrations,
No.100, Santhom High Road,
Mullimanagar, Manthavelippakkam,
Raja Annamalaipuram, Chennai – 600 028.
- 2.The Deputy Inspector General of Registrations,
Office of the Deputy Inspector General of Registrations,
TNAU Nagar, Rajakambeeram, Y.Othakadai,
Madurai - 625 107.
- 3.The District Registrar,
Office of the District Registrar,
Dindigul Registration District,
Combined Registration Office Building,
(Velunachiyar Campus)
Dindigul 624 004.
- 4.The Sub Registrar,
Office of the Sub Registrar,
Batlagundu Sub Registration,
Batlagundu, Dindigul District.

5.C.R.Tamilvanan

... Respondents

[R5 is impleaded vide order dated 21.01.2022, made in
W.M.P.(MD)No.19055 of 2021]

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to pass final order for cancellation of forged sale deeds in Document Nos.914/2005, 915/2005, 916/2005, 917/2005 and 112/2007, 113/2007, 114/2007, 115/2007, 714/2007, 771/2007, based upon the petitioner's representation dated 30.12.2020 and his explanation dated 19.07.2021, within the stipulated time.

For Petitioner : Mr.R.Manickam
For R1 to R4 : Mr.B.Saravanan
Additional Government Pleader
For R5 : Mr.M.Elango

ORDER

This Writ Petition was filed for issuance of Writ of Mandamus, directing the third respondent to pass final orders based on the representation made by the petitioner on 30.12.2020, wherein the petitioner is seeking for cancellation of certain sale deeds on the ground that those are forged documents.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned Additional Government Pleader appearing on behalf of the



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respondents 1 to 4 and the learned counsel appearing on behalf of the fifth respondent.

3. It is brought to the notice of this Court that the fifth respondent had already filed three suits against the petitioner and others for cancellation of the documents executed by the petitioner and to declare the same as null and void and the suits were decreed *ex parte* by the learned Additional Sub Judge, Dindigul. According to the fifth respondent, the decree has become final and till date, the *ex parte* decree has not been set aside. It was further contended that the petitioner filed an application to set aside the *ex parte* decree with delay and this petition was dismissed for default on 11.09.2023.

4. The learned counsel appearing on behalf of the petitioner submitted that steps are being taken to restore the application and to set aside the *ex parte* decree. The learned counsel appearing on behalf of the petitioner further submitted that the petitioner came to know about the fabricated documents only at a later point of time and therefore, a representation was made before the third respondent for cancellation of the forged documents.



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5. In the considered view of this Court, the power of registration authorities to cancel the document is traceable under Section 77-A of the Registration Act. The issue as to whether this power can be exercised by giving the provision a retrospective effect is now pending consideration before this Court. In the meantime, the Inspector General of Registration, Chennai/first respondent through Circular No.3/2023, dated 29.09.2023, has kept this power in abeyance and the District Registrars have been directed not to deal with the representations seeking for cancellation of documents on the ground of forgery.

6. In view of the above, it is left open to the petitioner to work out his remedy before the competent Civil Court, if he is entitled to do so under law. The relief as sought for in this Writ Petition cannot be granted by this Court, since the District Registrar as on today, does not possess any powers to cancel the documents due to the Circular issued by the Inspector General of Registration. Except giving this clarity, no further orders can be passed in this Writ Petition.



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7. This Writ Petition is disposed of in the above terms. No costs.

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NCC : Yes/No
Index : Yes/No
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To

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N.ANAND VENKATESH, J.

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