



W.P.(MD)No.11630 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.11630 of 2016

R.Meenatchi Achi by Power Agent
V.C.Baskaran

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.

2.The District Registrar,
Karaikudi,
Office of the District Registrar,
Karaikudi.

3.R.Chinnakaruppan

4.P.Palaniyappan

5.Tmt.C.Sundari

6.Tmt.K.Indhira

7.M.S.Ramachandran

8.N.Kandan



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9.Tmt.K.Vasantha

10.K.Periyasami

11.M.Saravanan

12.Kasim

13.Veerappan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the appeal No.154 74/U1/2015 dated 01.06.2016 before the first respondent Inspector General of Registration, Chennai in the matter of order of the District Registrar, Karaikudi in 2308/Aa1/2014 dated 02.02.2015 and to quash the order of the first respondent in appeal No. 15474/U1/2015 dated 01.06.2016 and restore the order of the District Registrar, Karaikudi in 2308/Aa1/2014 dated 02.02.2015 in respect of documents registration in Documents No.62/2010, 977/2010,1355/2010, 3071/2010, 338/2011, 2697/2011, 544/2012, 2501/2012, 125/2008 of Ponnamaravathi Sub Registrar Office, Ponnamaravathi, Karaikudi District Registrar, holding the said document as fraudulent documents and direct the second respondent to cancel the said registration of the document and further direct the same in the encumbrances by allowing the writ petition.



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For Petitioner :Mr.M.V.Santharaman

For Respondents :Mr.C.Satheesh
Government Advocate for R1 & R2

:No appearance for R3 to R7 & R9 to R12

:Un served for R8 & R13

ORDER

The petitioner assails an order of the first respondent by which the petitioner's request to cancel the registration of several documents was rejected by the first respondent.

2. Learned counsel for the petitioner submits that the impugned documents were registered after the patta in favour of the private respondents was cancelled by orders of the Revenue Divisional Officer. By perpetrating a fraud, it is stated that the documents were registered thereafter.

3. The petitioner states that the impugned order is liable to be interfered with because material documents that were produced were not taken into consideration by the first respondent.



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4. Upon examining the impugned order, I find that the first respondent has framed two questions relating to his power to examine and determine title to property and cancel registrations. In order to answer the said questions, the first respondent has examined Rule 55 of the Tamil Nadu Registration Rules, which provides that a registering officer is not empowered to enquire into the validity of the documents placed before him for registration and that his obligations are limited to examining whether the parties appearing before him are the persons they profess to be, whether the document is forged, whether the person appearing as a representative before the registering officer is duly authorized and the like. Thereafter, the first respondent examined judgments of this Court with regard to his power to decide disputed questions of title. On that basis, the first respondent concluded that registrations cannot be cancelled by him, including by invoking Circular No.67 dated 03.11.2011.

5. The current position is that Circular No.67 dated 03.11.2011 stands withdrawn. The Registration Act has been amended and *inter alia* Section 77-A has been inserted therein. This provision empowers the



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registering authority to cancel a registered document in limited circumstances, namely, if such registration is in contravention of Section 22-A or 22-B of the Registration Act. Whether the said amendments apply prospectively or retrospectively is the question pending consideration before a Division Bench of this Court.

6. When the impugned order is considered in the factual and statutory context in which it was issued, I find no infirmity in the order. Therefore, the impugned order does not call for any interference. Consequently, W.P.(MD).No.11630 of 2016 is disposed of by leaving it open to the petitioner to submit a representation for cancellation under the amended Registration Act, if the petitioner is of the view that it falls within the scope of Section 77-A and subject to the decision of this Court on the retrospectivity of the said provision.

17.03.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbm

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To

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Office of the District Registrar,
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SENTHILKUMAR RAMAMOORTHY, J.

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