



W.P.(MD).No.28980 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.28980 of 2022

Jaikrishnan

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Registrar Officer,
District Registration Department,
O/o. District Registrar Office,
Thanjavur District.

3.The District Registrar Officer,
O/o. District Registrar Office,
Kumbakonam,
Thanjavur District.

5.Mazharnisha

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 16.11.2022 seeking cancellation of Document No.4570 of 2017 dated 09.11.2017 the District Registrar Office, Kumbakonam, Thanjavur District and pass order on merits in accordance with law within the time framed fixed by this Court.



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For Petitioner : Mr.T.Palanisamy
For R-1 to R-3 : Mr.N.Satheeskumar,
Additional Government Pleader.
For R-4 : No appearance

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the official respondents.

2. The prayer in the Writ Petition cannot be granted because during the relevant point of time, there was no authority for the registering authorities (the second and third respondents) to hold enquiry or declare a document as fraudulent. The power to cancel the document has also been conferred only under Section 77-A of the Registration Act. Neither the Circular nor the amended provision can operate retrospectively. It is for the petitioner to approach the jurisdictional Civil Court for establishing his rights. Granting such liberty to the petitioner, this Writ Petition is disposed of. There shall be no order as to costs.

27.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

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Thanjavur District,
Thanjavur.
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District Registration Department,
O/o. District Registrar Office,
Thanjavur District.
- 3.The District Registrar Officer,
O/o. District Registrar Office,
Kumbakonam,
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G.R.SWAMINATHAN, J.

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