



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P No. 21342 of 2017

1 G.Rajagopal

...Petitioner

Vs.

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

2 The District Registrar
(Administration) (In the Cadre of Deputy
Inspector General of Registration)
Coimbatore District

3 The Sub Registrar
Sulur sub Registrar officer Sulur
Coimbatore District

4 P.Duraisamy No.37
Bharathidasan street Teachers colony Erode
638 011

...Respondents

PRAYER : This petition has been filed under Article 226 of Constitution of



India, Calling for the records comprised in the impugned order No.4039/A1/2018 dated 31.07.2018 on the file of the second respondent quash the same.

For Petitioner : Mr.K.Magesh
For R1 to R3 : Mr. N.Senthil Selvi
For R4 : Mr.T.Gowthaman, Senior counsel
for Mr.B. Pichayappan.

ORDER

The petitioner herein filed this petition to call for the records comprised in the impugned order No.4039/A1/2018 dated 31.07.2018 on the file of the second respondent quash the same.

2.According to the petitioner, the first respondent has no right to reopen the order which was passed by him on 13.03.2017 and therefore subsequent order passed by the first respondent dated 31.07.2018 is liable to be quashed.

3. The learned counsel for the petitioner submits that the one Manjula and Padmashree started a partnership business on 01.06.1991 in the name and style of T.Jay engineering and the said firm purchased the property in S.No. 709/2D and 709/2E with an total extent of 94 cents through document dated 11.06.1991, thereby Manjula is having valid title. Thereafter, the said



sale deed has been misplaced by Manjula and subsequently filed a complaint and obtained non traceable certificate, following which she sold the said property to one Praveena through sale deed dated 19.03.2012. Thereafter, fourth respondent claiming right in the said property and lodged a complaint before the Superintendent of police stating that Manjula sold the said property by fabricating a new partnership firm. While so, fourth respondent filed a suit in O.S No. 454 of 2015 to declare the sale deed as null and void before the I Additional District Munsif, Coimbatore. Thereafter, the fourth respondent filed the complaint before the second respondent for cancellation of the sale deed on the ground that said property was purchased by D.J. Engineering by stating that without his knowledge another partner Manjula sold the property by fabricating documents and the second respondent after hearing both parties dismissed the complaint vide order dated 13.03.2017 by stating that once the sale deed is registered the registering authority does not have power to cancel the same and moreover the fourth respondent already approached the Civil Court for cancellation of sale deed. However, without any valid reason the second respondent suo motu reopened the said complaint pursuant to the circular No. 41530/U1/2017 dated 08.11.2017 of the first respondent, without giving opportunity to the parties the second



respondent unilaterally came to the conclusion that non traceable certificate produced by the petitioner and others is of forged document. Further, he submitted that the second respondent has no power to re-open the issue which has already been decided and attained finality. He becomes functus officio and has no power to recall his own order. Hence, he prays to allow this petition.

4. The learned counsel for the fourth respondent submits that against the order dated 13.03.2017 the petitioner preferred the appeal and matter was remanded back to the Register accordingly proper notice was served to the petitioner and sufficient opportunity was given and thereafter order was passed on 31.07.2018 to that effect reference was made in the said order.

5. On perusal of available records, it reveals that before passing the order sufficient opportunity was given to the petitioner. Hence, this is not inclined to allow this petition. Accordingly, this petition is dismissed.

30.01.2024

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To
The Public Prosecutor,

High Court, Madras.



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T.V.THAMILSELVI, J.

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