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WP.No.16149 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.16149 of 2024
and W.M.P.Nos.17693 and 17694 of 2024

C.C.Manickam

.. Petitioner

Versus

1.The Inspector General of Registration,
No.100. Santhome High Road,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Deputy Inspector General of Registration,
O/o. The Deputy Inspector General of Registration,
Combined Registration Office Campus,
Veppamarathery, Velappadi,
Vellore District.

3.The District Registrar (Admin),
Thirupattur District,
at Thirupattur.

4.The Sub Registrar,
Jolarpet,
Thirupattur District.

5.Subramani

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relevant to the order in No.464/B2/2022 dated 28.07.2022 passed by the 3rd



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respondent is totally illegal, improper and unreasonable and to quash the same and thereby, direct the respondents to restore the Sale Deeds in Document No.3168/2007 and 3986/2021 on the file of the 4th respondent.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.L.S.M.Hasan Fizal for R1 to R4
Additional Government Pleader
No appearance for R5

ORDER

This writ petition is filed to call for the records relevant to the order in No.464/B2/2022 dated 28.07.2022 passed by the 3rd respondent is totally illegal, improper and unreasonable and to quash the same and thereby, direct the respondents to restore the Sale Deeds in Document No.3168/2007 and 3986/2021 on the file of the 4th respondent.

2. The case of the petitioner is that the complaint has been lodged by the 5th respondent on the ground that his father had executed Power of Attorney in the year 1994 and he died in the year 2000. However, the subject property has been sold in the year 2007. Based on the said documents, the impugned order came to be passed. The petitioner purchased the property in the year 2021 from the earlier purchaser. The document originally registered in the year 2007 and further sale was taken place in the year 2021. The power to cancel the document is never vested with the registering authorities. After the

Judgment of *Satya Pal Anand v. State of M.P., reported in (2016) 10 SCC*



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767, amendment has been brought under Section 22(A) and (B) of the Registration Act. At that time only, the Government itself admitted in the notes of clauses to the effect that there was no provision in the Registration Act to cancel the document. Now, only an amendment were introduced to cancel certain documents registered contrary to provisions under Section 22(A) and 22(B) of the Registration Act.

3. The facts of the case is that since the principal is died, sale made in the year 2007 is not valid. It is relevant to note that whether the principle is died on the particular date or not, is a matter of evidence. Accordingly, on the basis of production of some certificate without proper proof of the same before the registering authorities, those certificates cannot be taken as a gospel truth. This Court has seized one fact, wherein, the certificate has been produced as if the person has been died in the particular date and when the original records has been called from the original authority, it is seen that the very death certificate has been fabricated by them only for the purpose of production of documents and to get the document cancelled from the registering authority. Such things are rampant in these transactions. Therefore, the allegation that principal died in the year 2000 has to be proved in the manner known to law. That apart, there are three Principals, only one of the principal said to have been died who was the father of the principals. Such being the position, his



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right in the properties will automatically devolve on other principals. As long as other principals are alive, it cannot be said that entire sale is void.

4. Accordingly, the impugned order in No.464/B2/2022 dated 28.07.2022 passed by the 3rd respondent is quashed and the official respondents are directed to restore the Sale Deeds in Document No.3168/2007 and 3986/2021 on the file of the 4th respondent. If at all the private respondent is aggrieved, he may establish his rights before the Civil Court in the manner known to law.

5. With the above observation, this Writ Petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

12.07.2024

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Index	:Yes/No
Internet	:Yes/No
Neutral Citation	: Yes/No



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To,

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2.The Deputy Inspector General of Registration,
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Combined Registration Office Campus,
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N. SATHISH KUMAR, J.

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