



WEB COPY

W.P.No.16648 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.16648 of 2024

S.Elumalai

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Petitioner

versus

1. Inspector General of Registration,
O/o. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Chennai - 600 028.

2. Deputy Inspector General of Registration,
O/o. The Deputy Inspector General of Registration,
Combined Registration Department Office Complex,
Thennamara Street, Vellapadi,
Vellore - 632 001.

3. The District Registrar,
O/o. The District Registrar,
Combined Registration Department Office Complex,
Cheyyar - 604 407,
Tiruvannamalai District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to proceeding in A.The.Mu.No.4837/A2/2023 dated 11.12.2023 of the third respondent and quash the same and direct the respondents to



receive the representation of the petitioner dated 08.12.2023 and to enquire the same in accordance with law and to take necessary action under law in the interest of justice.

For Petitioner : Mr.R.Amardeep

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. Challenging the impugned order, which rejected the application filed by the petitioner for cancellation of the document, the present writ petition is filed.

3. The petitioner has filed an application to cancel the Document No.781 of 1975 dated 07.06.1975. It is the grievance of the writ petitioner that the document has been registered, but stamp papers have been purchased by the third parties at the relevant point of time. Therefore, which is against the Rules. Hence, he filed an application to cancel the said document. The third respondent has returned the representation, saying that now, in view of the stay granted by this Court as against Section 77-A of the



Registration Act, the document cannot be cancelled. Challenging the said order, this writ petition has been filed.

4. The learned Special Government Pleader for the respondents on instructions would submit that, Rule 6(2) of the Indian Stamp Rules, 1925 as amended in G.O.(Ms).No.971, Commercial Taxes and Religious Endowments, dated 24.05.1977 and G.O.(Ms).No.107, Commercial Taxes and Religious Endowments, dated 06.02.1979. Therefore, insisting on the stamp papers on the parties names came into effect only after 1977. Such being the position, the document registered prior to that G.O. cannot be said to be a violation of the Rules.

5. I have perused the documents. Even assuming that there is any violation of the Rule, that will not give rise to cancel the very transaction itself. The document was registered in the year 1975. Therefore, merely citing some violation after 40 years, the registered document cannot be annulled. What cannot be achieved in a Civil Court sought to be achieved before the authorities by giving a representation after 40 years that cannot be



permitted in the eye of law. Hence, I do not find any merits in the writ petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

26.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



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N.SATHISH KUMAR, J.

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