



WEB COPY



WP.No.27237 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.27237 of 2021 &

WMP.Nos.28745, 28746 & 28747 of 2021

1. M.Kandasamy
2. K.Shanthi

.. Petitioners

Versus

1. The Inspector General of Registration
Chennai – 28.
2. The Deputy Inspector General Registration,
Salem.
3. The District Registrar [Administration],
Namkkal.
4. The Sub Registrar,
Thiruchengodu, Namakkal.
5. K.Murugesan
6. S.Thangaraj
7. S.Radha
8. Palaniammal

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order of the second Respondent herein in order dated 01.11.2021 in No. 4455 / E2 / 2020 setting aside the order dated 08.09.2020 in proceedings



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No. 1259 / A5 / 2019 of the 3rd Respondent herein and quash the same.

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For Petitioner : AR.Karthik Lakshmanan

For Respondents : Mr.P.Anandhakumar
Additional Government Pleader – R1 to R4

Mr.N.Manokaran – R5 to R8

ORDER

Challenge has been made against the order passed by the second respondent dated 01.11.2021 setting aside the order dated 08.09.2020 in proceedings No. 1259 / A5 / 2019 of the third respondent herein, this Writ Petition has been filed.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the respondents 5 to 8 and perused the materials available on record.

3. The case of the petitioner is that the father of the petitioner has executed a settlement deed in his favour in the year 2008. The grievance of the petitioner is that the respondents 5 to 8 have entered into a partition deed



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among themselves in respect of the very same property. Therefore, he has given a representation to cancel the alleged partition deed before the Sub Registrar which was allowed and the document is set aside. Challenging the same, the respondents 5 to 8 have filed the Writ Petition in W.P.No.1161 of 2012 and the said Writ Petition has been dismissed by this Court holding that as the FIR has been registered, they have to defend their case regarding the genuineness of the documents and the Writ Petition is not maintainable. Thereafter, it appears that the petitioner has given a second representation to the District Registrar to cancel the document on the ground that it is a fraudulent transaction and as the same has been rejected, the present impugned order came to be passed. Challenging the same the present Writ Petition has been filed.

4. The fourth respondent has filed a counter to the effect that once a document is registered, it is not open to the registering authorities to cancel such registration and the aggrieved party can challenge the registration and validity of the document before a competent Civil Court and prayed for dismissal of this Writ Petition.

5. At the outset, this Court is of the view that the impugned Order



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cannot be interfered for the simple reason that except if it is forgery and other documents cannot be cancelled by the registering authorities. This aspect has been elaborately dealt by this Court in **W.P.No.29706 of 2022 [G.Rajasulochana Vs. Inspector General of Registration and others]**. Hence, I do not find any merits in this Writ Petition.

6. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.06.2024

vrc

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

Note : Issue Order Copy on 25.06.2024

To

1. The Inspector General of Registration
Chennai – 28.
2. The Deputy Inspector General Registration,
Salem.
3. The District Registrar [Administration],
Namakkal.
4. The Sub Registrar,
Thiruchengodu, Namakkal.



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N. SATHISH KUMAR, J.

VRC

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