



WEB COPY



WP.No.25661 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.25661 of 2017

G.Saraswathi Ammal

.. Petitioner

Versus

1.The Inspector General of Registration
Office of Inspector General of Registration
Santhome High Road, Chennai

2.The District Registrar (Administration)
Office of the District Registration
Chennai South, Saidapet, Chennai

3.The Sub Registrar
Office of the Sub Registrar
Tambaram, Kanchipuram District

4.The Joint II Sub Registrar
Office of the Joint II Sub Registrar
Saidapet, Chennai

5.A.P.Suresh Kumar

6.R.Muthu

7.Gopakumaran Nair

8.M/s.Prime International (P) Ltd
Represented by its Managing Director
Mr.K.Srinivasan
Having registered office at
No.723/2, MBT Road Cross
Ranipet – 632 401
Vellore District

.. Respondent



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on the representation of the petitioner dated 19.08.2016 requesting cancellation of certain registered documents which were registered by impersonation and fraud.

For Petitioner : Mr.Kandhan Duraisami

For Respondents : Mr.B.Vijay for R1 to R4
Additional Government Pleader
Mrs.N.Kavitha Rameshwar for R7
Mr.K.Raja for R6
Mr.B.Arvind Srevatsa for R8

ORDER

By consent of both parties, this writ petition is taken up for final disposal.

2. This writ petition has been filed seeking for a direction to 2nd respondent to consider and pass orders on the representation of the petitioner dated 19.08.2016 requesting cancellation of certain registered documents which were registered by impersonation and fraud.

3. Heard both sides and perused the materials placed on record.

4. Now, it appears that the petitioner has already filed a suit in



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O.S.No.270 of 2019 on the file of Additional Munsif Court, Alandur challenging the cancellation of the forged documents. After the demise of the petitioner, her legal heirs are conducted the suit.

5. Since, a suit is already pending, this Court is of the view that the documents cannot be cancelled. Further, the amendment brought under the Registration Act in 22-B is held to be prospective in nature as held in a judgment of this Court in *Netvantage Technologies Pvt. Ltd v Inspector General of Registration*, reported in 2024 SCC OnLine Mad 567.

6. Such view of the matter, when the documents are registered in the year 2008, the respondents cannot be directed to cancel the document. It is for the petitioner's legal heirs to establish their right before the Civil Court in a pending suit in O.S.No.270 of 2019 on the file of Additional Munsif Court, Alandur.

7. Accordingly, this writ petition stands dismissed. No costs.

16.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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N. SATHISH KUMAR, J.

dhk

To,

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