



WP.No.10346 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10346 of 2024 & WMP.No.11345 of 2024

G.V.Devendiran

.. Petitioner

Versus

1. The Secretary to Government,
Commercial Taxes, Registration and Stamp Act,
Fort St. George, Chenna – 600 009.
2. The Inspector General of Registration,
Office of the General of Registration,
No.120, Santhome High Road, Chennai – 600 028.
3. The DIG [Deputy Inspector General] of Registration,
Integrated Registration Department Complex,
Veppamaram Street, Velappadi, Vellore – 632 001.
4. The District Registrar, Administration,
Integrated Registration Department Complex,
Veppamaram Street, Velappadi, Vellore – 632 001.
5. The Sub Registrar, Pallikonda Registrar Office,
Maliga Street, Pallikonda, Anaicut Taluk,
Vellore District, Vellore – 635 809.

6. A.Nithyananthan
7. Rukmani Ammal

.. Respondents



WP.No.10346 of 2024

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the fourth respondent in proceedings dated 31.03.2022 in No.EN:284/E3/2022 cancelling the lease deed dated 06.07.2006 bearing Doc.No.1412/2006, SRO-Pallikonda and as confirmed by the third respondent vide appeal proceedings dated 08.08.2022 in letter No.2417/AA1/2022 and received by the petitioner/Trust in Ka.En.4891/Aa1/2022, dated 07.11.022 and quash the same.

For Petitioner : Mr.P.Sankaranarayanan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – R1 to R5

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned proceedings dated 31.03.2022 in No.EN:284/E3/2022 cancelling the lease deed dated 06.07.2006 bearing Doc.No.1412/2006, SRO-Pallikonda and as confirmed by the third respondent vide appeal proceedings dated 08.08.2022 in letter No.2417/AA1/2022 and received by the petitioner/Trust in Ka.En.4891/Aa1/2022, dated 07.11.022.



WP.No.10346 of 2024

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 5 and perused the materials available on record.

4. The case of the petitioner is that the petitioner is an educational trust and the trust is a tenant of the vacant land. A lease deed has been executed in favour of the petitioner by the sixth respondent. While so, on a petition preferred by the 6th respondent to cancel the lease deed in favour of the seventh respondent, the fourth respondent had cancelled lease deed executed in favour of the petitioner. The appeal filed as against the said Order before the third respondent has been dismissed confirming the Order of the fourth respondent. Aggrieved over the same, the petitioner had preferred an appeal before the second respondent and the second respondent communicated to the petitioner that there is no provision of appeal against the Order of the third respondent. Hence, the present Writ Petition.

5. Though normally counter is required for quashing the impugned Orders, since the Order impugned, perse is illegal and contrary to the settled position of law, this Court is of the view that no counter is required. When a lease deed is validly executed by one of the co-owners, the registration



WP.No.10346 of 2024

authorities have no power to cancel the document. When the document does not fall within the ambit of Sections 22-A and 22-B of the Registration Act, the Sub Registrar has no power to cancel such document merely on the submission of the one of the co-owner. Further, when the interest has already been created to enjoy the leased properties, the lessee cannot be thrown out except by due process of law. Hence, the Order impugned cannot be sustained in the eye of law and the same is liable to be set aside.

6. Accordingly, this Writ Petition is allowed and the impugned order dated 31.03.2022 passed by the fourth respondent and confirmed by the third respondent vide Order dated 08.08.2022 is quashed. No costs. Consequently, connected miscellaneous petition stands closed.

17.04.2024

vrc

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

To,

1. The Secretary to Government,
Commercial Taxes, Registration and Stamp Act,
Fort St. George, Chenna – 600 009.



WP.No.10346 of 2024

2. The Inspector General of Registration,
Office of the General of Registration,
No.120, Santhome High Road, Chennai – 600 028.
3. The DIG [Deputy Inspector General] of Registration,
Integrated Registration Department Complex,
Veppamaram Street, Velappadi, Vellore – 632 001.
4. The District Registrar, Administration,
Integrated Registration Department Complex,
Veppamaram Street, Velappadi, Vellore – 632 001.
5. The Sub Registrar, Pallikonda Registrar Office,
Maliga Street, Pallikonda, Anaicut Taluk,
Vellore District, Vellore – 635 809.



WEB COPY



WP.No.10346 of 2024

N. SATHISH KUMAR, J.

VRC

W.P.No.10346 of 2024

17.04.2024