



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.10568 of 2024

Mohamed Faiyaz

...

Petitioner

versus

1.The Inspector General of Registration,
Department of Revenue and
Disaster Management
Government of Puducherry,
Puducherry.

2.The District Registrar,
Registration Department
Office of District Registrar,
Saram, Puducherry.

3.Ayeesha Begum

4.The Secretary,
Sri Veera Anjaneyar Kothanadramar
Kaingarya Sabha,
Pudhucherry.

...

Respondents

Prayer: Writ Petition 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 2nd respondent in Ref No.4225/DRP-304/DRO/RD/2023/429 dated 13.06.2023 and quash the same as illegal.



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For Petitioner : Mr.D.Senthil Kumaar
For Respondent Nos.1 & 2 : Mr.M.Nirmal Kumar
Government Advocate (Pondy)

ORDER

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

2. This Writ Petition has been filed challenging the order of the second respondent to hold an enquiry based on the Circular issued in Ref No.4225/DRP-304/DRO/RD/2023/429 dated 13.06.2023.

3. It is the grievance of the writ petitioner that the District Registrar based on the complaint dated 07.03.2023 has cancelled the registered Document No.391/2022 dated 15.03.2022.

4. The learned counsel for the petitioner mainly contended that the Circular relied upon by the registering authority to hold an enquiry itself has been quashed by this Court in a Writ Petition in W.P.No.10124 of 2023 by order dated 17.07.2023.



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5. The learned Government Advocate (Pondy) for the respondents 1 and 2 fairly submitted that the Circular has been quashed and similar order also passed by this Court in W.P.No.21681 of 2023 by order dated 01.08.2023.

6. Considering the fact that the Circular Ref No.4225/DRP-304/DRO/RD/2023/429 itself has been quashed by this Court in W.P.No.10124 of 2023 by order dated 17.07.2023 and in the absence of any power vested with the Registrar to cancel the registered document under the provisions of the Registration Act, the power to cancel the document cannot be sustained by law. Hence, the impugned order is liable to be quashed.

7. With the above observation, this Writ Petition is allowed and the order passed by the second respondent dated 13.06.2023 is quashed. No costs.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No



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N.SATHISH KUMAR, J.

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To

- 1.The Inspector General of Registration,
Department of Revenue and
Disaster Management
Government of Puducherry,
Puducherry.
- 2.The District Registrar,
Registration Department
Office of District Registrar,
Saram, Puducherry.

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