



W.P(MD)No.7804 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.7804 of 2023

and

W.M.P.(MD)No.7230 of 2023

Indirani

... Petitioner

Vs.

1.The District Registrar,
(Administration), Palani,
Dindigul District.

2.Balasubramani

3.Chellammal

4.Selvanarayanan

5.Magudeswaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the 1st respondent in Na.Ka.No.5713/E1/2022, dated 23.02.2023 and quash the same as arbitrary, ultravires, contrary to the judgment and decree dated 09.04.2011 in O.S.No. 258/2010 on the file of the District Munsif Court, Vedasanthur and the circulars dated 09.04.2018, 07.06.2018, 25.03.2022, 23.09.2022, 27.09.2022, 04.01.2023 in Letter Nos.41530/U1/2017, 25600/C1/2018, 41530/U1/2017, 14210/C1/2020, 33760/U1/2022, 45633/U1/2022 and consequently, to direct the 1st respondent to conduct an enquiry afresh in accordance with law.



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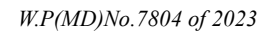
For Petitioner : Mr.R.G.Shankar Ganesh
For R1 : Mr.M.Siddharthan,
Additional Government Pleader
For R2 : Mr.G.Gomathi Sankar
For R3 to R5 : No Appearance

ORDER

Heard both sides.

2.It is the grievance of the petitioner that her request, seeking cancellation of the partition deed dated 24.09.1990, is rejected by the 1st respondent, vide order dated 23.02.2023, stating that the partition deed dated 24.09.1990 had been entered prior to the judgment and decree dated 09.04.2011. Therefore, challenging the same, she has filed this Writ Petition.

3.At the outset, the order passed by the 1st respondent does not require any interference for the simple reason that the Registering Authority has no power to cancel any registered document. Further, the very Section 77(A) inserted under Registration Act is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. This aspect has been elaborately dealt with in the case of ***Satya Pal Anand v. State of M.P.[2016 10 SCC 767]*** and **G.**



16.04.2024.

5. With the above observations, this Writ Petition is dismissed. It is for the petitioner to work out her remedy before the competent civil Court in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To
The District Registrar,
(Administration), Palani,
Dindigul District.



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N.SATHISH KUMAR, J

Yuva

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