



W.P(MD)No.9405 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.9405 of 2023

Muthaiah Chettiyar

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Rajakambeeram, Y.Othakadai,
Madurai-625 107.

2.The District Registrar,
The District Registration Department,
Virudhunagar, Virudhunagar District.

3.S.Laxmanan

... Respondents

(R3 is impleaded vide Court order dated 10.07.2023 in W.M.P.(MD)No.13668 of 2023 in W.P.(MD)No.9405 of 2023)

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 proceedings in Na.Ka.No.9227/A4/2022, dated 06.03.2023 and quash the same and consequently, to direct the 1st respondent to cancel the registration of Doc.No.1.1314.139.1152/1980, dated 29.08.2022, which was registered before the Sub Registrar, Thiruchuli.



W.P(MD)No.9405 of 2023

For Petitioner : Mr.S.Ramasamy
For R1 & R2 : Mr.M.Siddharthan,
Additional Government Pleader
For R3 : No Appearance

ORDER

Heard both sides.

2.It is the grievance of the petitioner that his request, seeking cancellation of the wrong inclusion of the petitioner's property in the sale deed in Doc.No.1.1314.139.1152/1980, is rejected by the 2nd respondent, vide order dated 27.07.2022, directing the petitioner to get remedy before the civil Court. On appeal, the 1st respondent, vide order dated 06.03.2023, confirmed the order of the 2nd respondent. Therefore, challenging the same, he 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



W.P(MD)No.9405 of 2023

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. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024.***

4.In view of the above settled position of law, unless the power is specifically vested with the registering authority to cancel any document and to go into the matter, there cannot be any direction to the authorities concerned to cancel the document. All these facts cannot be looked into by this Court and the same has to be agitated before the civil Court.

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

29.08.2024

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

Yuva

To
1.The Deputy Inspector General of Registration,
Rajakambeeram, Y.Othakadai,
Madurai-625 107.



W.P(MD)No.9405 of 2023

2. The District Registrar,
The District Registration Department,
Virudhunagar, Virudhunagar District.



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W.P(MD)No.9405 of 2023

N.SATHISH KUMAR, J

Yuva

W.P(MD)No.9405 of 2023

29.08.2024