



W.P(MD)No.11192 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.11192 of 2023

and

W.M.P.(MD)No.9793 of 2023

M.Abdul Kadhar

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.

2.The District Registrar (Administration),
Combined Registration Building,
Dindigul-624004.

3.The Joint Sub Registrar,
No.II, Sub Registration Office,
Dindigul-624004.

4.R.Leela @ Laila

5.Syed Fathima

6.Sheefa

7.S.Sarojini Devi

8.R.Kausalya

9.S.Nazir Sait

10.S.Karunakaran

... 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



W.P(MD)No.11192 of 2023

records pertaining to the impugned order issued by the 2nd respondent in proceedings in Na.Ka.No.6320/A3/2022, dated 25.11.2022 and quash the same and consequently, to direct the 2nd respondent to number the petitioner's complaint dated 30.09.2022 and proceed the case in accordance with law within the stipulated time limit as fixed by this Court.

For Petitioner : Mr.S.Vellaichamy
For R1 to R3 : Mr.P.Subbaraj,
Special Government Pleader
For R7 & R8 : Mr.Ramesh Kumar
for Mr.R.Mani Bharathi
For R10 : Mr.P.Arun Kumar

ORDER

Heard both sides.

2.It is the grievance of the petitioner that his request, seeking cancellation of the forged sale deed in Document No.3792 of 1947, is rejected by the 2nd respondent, vide order dated 12.07.2022, directing the petitioner to get remedy before the civil Court. Challenging the same, the petitioner has filed this Writ Petition.

3.At the outset, the order passed by the 2nd respondent does not require any interference for the simple reason that the Registering Authority has



W.P(MD)No.11192 of 2023

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. 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. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva



W.P(MD)No.11192 of 2023

To

WEB COPY

- 1.The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.
- 2.The District Registrar (Administration),
Combined Registration Building,
Dindigul-624004.
- 3.The Joint Sub Registrar,
No.II, Sub Registration Office,
Dindigul-624004.



WEB COPY



W.P(MD)No.11192 of 2023

N.SATHISH KUMAR, J

Yuva

W.P(MD)No.11192 of 2023

29.08.2024