



W.P.(MD) No.4774 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.4774 2019
and
W.M.P.(MD)No.1856 of 2023

K.Sivasamy

...Petitioner

-vs-

1.The District Registrar,
District Registration Office,
Karur.

2.The Sub Registrar,
Melakarur Sub-Registration Office,
Melakarur, Karur.

3.The Secretary,
District Library Officer,
Tiruchirappalli.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records in connection with the impugned order in Na.Ka.No. 1441/Aa1/2018 dated 28.06.2018 of the first respondent and quash the same and consequently directing the third respondent to execute a cancellation deed along with the petitioner in respect of the settlement deed bearing registration No.3132/1989 executed on 30.11.1989.

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For Petitioner : Mr.H.Elango
For R1 & R2 : Mr.M.Siddhrathan
Additional Government Pleader
For R3 : Mr.T.Amjadkhan
Government Advocate

ORDER

This writ petition has been filed challenging the order in Na.Ka.No.1441/Aa1/2018 dated 28.06.2018 of the first respondent and consequently to direct the third respondent to execute a cancellation deed along with the petitioner in respect of the settlement deed bearing registration No.3132/1989 executed on 30.11.1989.

2.It is the case of the writ petitioner that the property in question belongs to the father of the petitioner. The father of the petitioner executed a power of attorney in favour of one Kumarasamy for the purpose of selling the lands belonged to him. However, the said Kumarasamy had illegally executed a settlement deed in favour of the third respondent herein. Therefore, he had made a representation before the authorities concerned for cancellation of the said settlement deed. However, the first respondent vide his proceedings dated 28.06.2018 rejected the application of the petitioner stating that he has no power to cancel the said document and hence, the same cannot be cancelled.

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3.The petitioner contended that the power of attorney deed executed by the father of the petitioner is only for the purpose of selling the properties of his father. The said deed does not authorize the power agent to execute a gift deed or a settlement deed. He further submitted that the petitioner was a minor at the time executing the power of deed. When the said deed was sought to be cancelled, it was rejected stating that the deed could not be cancelled by the first respondent.

4.The settlement deed executed in the year 1989 is sought to be cancelled in this writ petition. At the outset, the Registering Authority has no power to cancel any registered document. This aspect has been elaborately dealt by this Court in W.P.No.29706 of 2022 ***[G.Rajasulochana Vs. Inspector General of Registration and others]***. Further, the Hon'ble Supreme Court in the case of ***Satya Pal Anand v. State of M.P., reported in (2016) 10 SCC 767*** has held that the “*some irregularity in the procedure committed during the registration process would not lead to a fraudulent execution and registration of the document, but a case of mere irregularity. In either case, the party*



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aggrieved by such registration of document is free to challenge its validity before the Civil Court.”

5.In view of the above, this Court is not inclined to entertain this writ petition. Accordingly, this Writ Petition stands dismissed. The parties are at liberty to work out their remedy before the competent Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2024

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

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To:

- 1.The District Registrar,
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N.SATHISH KUMAR, J.

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