



W.P(MD)No.13332 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.13332 of 2023

and

W.M.P.(MD)Nos.11246 & 11248 of 2023

Mani @ K.M.Subramanian

...Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhom High Road,
Foreshore Estate, Pattinapakkam,
Chennai-600 028.

2.The District Registrar (Admin),
Integrated Complex of Registration Department,
Vandikaran Street, Ramanathapuram-623501.

3.The Sub Registrar,
Velipattinam,
Ramanathapuram District.

4.The Sub Registrar,
Joint No.1, Madurai South,
Madurai District.

5.The Sub Registrar,
Joint No-II, Madurai South,
Madurai District.

6.C.Raju

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the proceedings in Na.Ka.No.5760/Aa1/2022, dated 26.04.2023 received on 02.06.2023 on the file of the 2nd respondent and quash the same as illegal.

For Petitioner : Mr.S.Rajasekar
for M/s.Lajapathi Roy and Associates
For R1 to R5 : Mr.P.Subbaraj,
Special Government Pleader
For R6 : Mr.J.Barathan

ORDER

Challenge has been made to the order of the 2nd respondent, dated 26.04.2023, cancelling the settlement deed dated 15.09.2005.

2.It is the case of the petitioner that the property in S.No.287/1 situated at Rettai Oorani Group, Keezhamangundu Village, Ramanathapuram District originally belonged to the mother of the petitioner and she executed a settlement deed dated 15.09.2005 in his favour. However, the 6th respondent gave a complaint before the 2nd respondent to cancel the settlement deed dated 15.09.2005, claiming that his grandfather had purchased the property in the



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year 1946. On receipt of the same, the 2nd respondent originally refused to cancel the document, which has been challenged before this Court in W.P.(MD)No.5329 of 2016, wherein this Court directed the 2nd respondent to consider the registration of the document in the light of Rule 55-A of Registration Rules. Thereafter, the 1st respondent cancelled the settlement deed dated 15.09.2015 executed in favour of the petitioner, vide order dated 26.04.2023. Aggrieved by the same, the petitioner has filed this Writ Petition.

3.A perusal of the allegations raised for cancelling the settlement deed indicates that the parties are setting up an independent title. Even assuming that Section 77(A) was maintainable at the relevant point of time, it dealt with only forgery. There is no forgery whatsoever involved in this matter. 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. Further, the Registrar has no power to cancel the document already registered as per ***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 such view of the matter, the impugned order of the 2nd respondent, dated 26.04.2023 is quashed. This Writ Petition is allowed



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accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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

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To

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