



W.P.(MD)No.14511 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.14511 of 2023

Santhalakshmi

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

2.The District Registrar (Administration),
Madurai South District Registrar Office,
171, Palace Road, Madurai South,
Madurai-625 001.

3.The Joint Sub Registrar No.IV,
Office of the Sub Registrar,
Bypass Road, Palanganatham,
Madurai-625 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 2nd respondent's proceedings in Na.Ka.No.9729/A2/2022, dated 06.01.2023 and quash the same and further, to direct the 2nd respondent to conduct a detailed enquiry and to pass orders on the petitioner's representation dated 14.11.2022 to cancel the false and fraudulent documents as mentioned in the representation.



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For Petitioner : Mr.PT.S.Narendravasan
For Respondents : Mr.P.Subbaraj,
Special Government Pleader

ORDER

Challenge has been made to the order of the 2nd respondent dated 06.01.2023.

2.It is the case of the petitioner that she has purchased the property in Survey Nos.23/2, 23/6 and 23/9A to an extent of 54 cents, 38 cents and 22 cents respectively situated at Kovil Pappakudi Village, Madurai North Taluk, Madurai District through registered sale deed dated 29.05.2006. Thereafter, on 06.06.2006, she purchased the land in Survey No.23/7B to an extent of 34 cents, where she constructed a house. From the date of purchase, she is in possession and enjoyment of the properties in question. While being so, one Muthuramalingam and others interfered with the possession of the petitioner, she filed a suit in O.S.No.445 of 2011, seeking declaration of title and permanent injunction, which was decreed in favour of the petitioner on 20.03.2017 and the said decree and judgment has also been registered in the office of the 3rd respondent. However, the said Muthuramalingam and his



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associates created false documents in respect of the properties in question.

Therefore, the petitioner made an application on 14.11.2022 before the 2nd respondent, seeking cancellation of the false documents.

3.It is the further case of the petitioner that on receipt of such representation, the 2nd respondent, vide proceedings dated 06.01.2023, replied that as the matter against the said Muthuramalingam Vagayara is pending for adjudication before the learned Judicial Magistrate No.I, Madurai, cancellation of the document will only be considered after the outcome of the judgment of the Court. Since the pending criminal proceedings is not a bar to dispose of the representation of the petitioner, the 2nd respondent has not considered the representation of the petitioner. Therefore, the petitioner has filed a Writ Petition in W.P.(MD)No.13677 of 2023, which was dismissed by this Court, vide order dated 12.06.2023, giving liberty to the petitioner to challenge the proceedings of the 2nd respondent dated 06.01.2023. Therefore, the petitioner has filed this Writ Petition.

4.Heard the learned counsel on either side and perused the materials available on record.



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5.It is relevant to note that all the fraudulent documents are the subject matter of the suit filed by the petitioner, which was decreed in favour of the petitioner. Therefore, the grievance of the petitioner that the documents have to be cancelled by the registering authority, has no relevance at all. Further, the registering authority has no power to cancel the document already registered. When the civil Court has already decided the rights of the petitioner and the said decree and judgment has already been registered by the registering authority, the same will take care of the rights of the petitioner. Therefore, no further order is required in this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

17.10.2024

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

Yuva

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
- 2.The District Registrar (Administration),
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3.The Joint Sub Registrar No.IV,
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N.SATHISH KUMAR, J.

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