



W.P.(MD)No.16386 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.16386 of 2022

P.Paulraj

... Petitioner

Vs.

The Deputy Inspector General of Registration,
Department of Registration,
Tiruchirapalli.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent herein to conduct the enquiry for the appeal filed by the petitioner in a fair manner following the principles of natural justice and providing the opportunity of personal hearing and provide the copies of the documents produced by the private respondents in the appeal and to complete the same within a time frame stipulated by this Court.

For Petitioner

: Mr.K.R.Nishanth
for Mr.G.Prabhu Rajadurai

For Respondent

: Mr.P.Subbaraj,
Spl. Govt. Pleader



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ORDER

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This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondent herein to conduct the enquiry for the appeal filed by the petitioner in a fair manner following the principles of natural justice and providing the opportunity of personal hearing and provide the copies of the documents produced by the private respondents in the appeal and to complete the same within a time frame stipulated by this Court.

2. It is the case of the Writ Petitioner that the subject property originally owned by one Maruthamuthu. The said Maruthamuthu executed a power of attorney in favour of one Sangapillai. The said Sangapillai, executed a registered sale deed in favour of petitioner's mother. Thereafter, the petitioner's mother executed a registered Will dated 16.04.2012 in favour of the petitioner. One Vijayammal alleging to be the wife of Maruthamuthu had executed a fraudulent settlement deed in favour of her son Vaitheeswaran in respect of the subject property, who in turn sold the subject property to one Vasantha Kumar. Hence, the petitioner made a complaint before the District Registrar dated 21.09.2020, which was rejected by the District Registrar vide order dated 14.06.2021. Aggrieved over the said order, the petitioner has filed an appeal before the respondent. It is



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the grievance of the petitioner, till date the petitioner has not received a notice of hearing. Hence, the petitioner has filed this Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

4. Considering the submissions made by both sides, this Court is of the view that as the Registering Authority has no power to cancel the document as declared by the Hon'ble Supreme Court in *Satya Pal Anand vs. State of Madhya Pradesh and others* reported in (2016) 10 SCC 767, there is no purpose in directing the authorities to hear the appeal and dispose of the same on merits.

5. In such view of the matter, the prayer sought for by the petitioner cannot be granted and the Writ Petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed. It is for the petitioner to work out his remedy before the competent civil Court. There shall be no order as to costs.

vsm

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NCC : Yes/No

Index : Yes/No

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N.SATHISH KUMAR, J.

vsm

To

The Deputy Inspector General of Registration,
Department of Registration,
Tiruchirapalli.

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