



W.P(MD)No.17312 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.17312 of 2023

R.Sivakumar

... Petitioner

Vs.

1.The Inspector General of Registration,
Chennai-600 028.

2.The Deputy Inspector General of Registration,
The Deputy Inspector General of Registration Office,
Tirunelveli.

3.The District Registrar (Admin),
District Registrar Office,
Palayamkottai, Tirunelveli District.

4.H.Ganapathy Ammal

5.R.Ravindran

6.R.Radha

7.R.Hariharan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's appeal dated 24.08.2021 and on the basis of the subsequent reminders dated 20.10.2021, 20.12.2021 and 30.03.2022 as expeditiously as possible after affording due opportunity to the private respondents.



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For Petitioner : Mr.R.Sivakumar
(Party-in-Person)
For R1 to R3 : Mr.P.Subbaraj,
Special Government Pleader
For R4 : No Appearance
For R7 : Mr.J.Jeyakumaran

ORDER

The petitioner seeks a direction to the 2nd respondent to dispose of the his appeal dated 24.08.2021 and subsequent reminders dated 20.10.2021, 20.12.2021 and 30.03.2022 as expeditiously as possible, after affording due opportunity to the private respondents.

2.It is the case of the petitioner that his mother executed a settlement deed in his favour on 19.10.2005. Thereafter, the petitioner executed a settlement deed in favour of his wife and children on 10.06.2009. Thereafter, his mother cancelled the settlement deed unilaterally and executed subsequent documents in favour of his brothers. Therefore, the petitioner sent a representation to the officials respondents, seeking cancellation of the said documents. Having considered the same, the 3rd respondent passed an order dated 25.03.2021, directing the parties to approach the civil Court. Challenging



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the same, the petitioner has filed an appeal before the 2nd respondent. Since the same has not been considered so far, he has filed this Writ Petition.

3.At the outset, this Writ Petition is not maintainable, since the registering authority has no power to cancel the document already registered, as 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. That apart the issue of title and fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court in view of the decisions rendered 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.



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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.

19.09.2024

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

Yuva

To

1. The Inspector General of Registration,
Chennai-600 028.
2. The Deputy Inspector General of Registration,
The Deputy Inspector General of Registration Office,
Tirunelveli.
3. The District Registrar (Admin),
District Registrar Office,
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N.SATHISH KUMAR, J

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