



W.P.(MD) No.23978 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.23978 of 2018

S.Palanivelu

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome Highways Road,
Chennai – 600 028.

2.The District Registrar (Administration),
District Register Office,
Pudukkottai.

3.The Sub-Registrar,
Illuppur Sub-Registrar Office,
Pudukkottai District.

4.V.Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take necessary action on the basis of the petitioner's representation dated 11.09.2018 with regard to canceling the Document No.866 of 2018 dated 09.08.2018 on the file of the third respondent and misuse the act as well as the guidelines prescribed by the Registration Act.

For Petitioner : Mr.V.Saravana Ganesh

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader



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ORDER

WEB COPY The petitioner has filed this Writ Petition for a Mandamus to take action on the basis of his representation with regard to cancellation of Document No.866 of 2018 dated 09.08.2018, on the file of the third respondent.

2. The brief facts of the case are that the petitioner has purchased the land in S.No.262/1A1A situated at Illuppur Village and Taluk, Pudukkottai District from the fourth respondent and thereafter, the fourth respondent submitted a sale deed for registering the property before the third respondent and the third respondent also verified the documents. When the documents were sent for scanning, the fourth respondent run away from the Office of the third respondent. Hence, the petitioner lodged a complaint through e-mail to the third respondent on the next day *i.e.*, on 25.07.2018 and also sent a complaint to the respondents 2 and 3 to take necessary action against the fourth respondent and not to register the above said property to any other person. Pending the said complaint, the fourth respondent gave Power of Attorney to one Thangaraj and the said person sold out the property to his wife Eswari on 09.08.2018 and the same was registered by the third respondent vide Document No.866 of 2018.



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3. The said act of the third respondent is clear violation of the Registration Act, 1908. Hence, on 13.08.2018 the petitioner made a representation to the respondents 1 and 2 requesting them to take appropriate steps for cancelling the document dated 09.08.2018 and also take action against the third respondent for misusing the Act as well as the guidelines prescribed in the Registration Act, 1908. However, no action has been taken by the respondents 1 and 2. Hence, the present Writ Petition.

4. The third respondent filed a counter affidavit stating that the fourth respondent and the wife of one Subbiah namely, Pushpam have executed a General Power of Attorney in favour of one Thangaraj on 11.07.2018 and the same was registered before the third respondent Office in Document No.727 of 2018. Pursuant to which, the said Thangaraj executed a sale deed and the same was registered in Document No.866 of 2018. Subsequent to the above registration, the document was referred under Section 47(A)(1) of the Registration Act, 1908 to the Special Deputy Collector (Stamps), Trichy. After completing the procedures, the document was handed over to the concerned person.



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5. It is further stated that there is a dispute between the petitioner and the fourth respondent and the same cannot be resolved by the third respondent. The third respondent was acted upon the procedures contemplated under the Registration Act, 1908 as well as the Tamil Nadu Registration Rules. Moreover, the third respondent followed the instructions given by the first respondent in Circular No.25600/C1/2018, dated 07.06.2018, pursuant to which, any document presented for registration, the Sub Register concern has to scan the parent document to avoid fraudulent transfer. Therefore, the third respondent sought parent document from the petitioner as well as the fourth respondent. However, both of them did not come forward to produce the same. The parent document was with the Power of Attorney Thangaraj. If the petitioner wants to cancel the document, he has to approach the competent Civil Court.

6. In view of the above, the relief sought for by the petitioner for cancellation of the document cannot be countenanced. The petitioner has to file only a Civil Suit to redress his grievance.



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7. This Writ Petition stands dismissed with liberty to the petitioner to file a suit before the competent Civil Court to redress his grievance. No costs.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

25.07.2024

To

- 1.The Inspector General of Registration,
No.100, Santhome Highways Road,
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C.SARAVANAN, J.

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