



W.P(MD)No.18999 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18999 of 2023

and

W.M.P.(MD)Nos.15777, 15780 & 23151 of 2023

C.Santhi

... Petitioner

Vs.

1.The District Registrar (Administration)
District Registrar Office,
Collectorate Campus,
Dindigul-624 004.

2.Lisama Urumees

3.K.Gopi

... Respondents

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 in pursuant to the impugned enquiry notice issued by the first respondent in vide proceedings Na.Ka.No.7891/Aa3/2021, dated 28.07.2023 and quash the same as illegal.

For Petitioner : Mr.Anantha Padmanabhan
Senior Counsel
for Mr.V.Muthu Kamatchi



W.P(MD)No.18999 of 2023

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader for R1

: Mr.M.Mahaboob Athiff
for R2

: Mr.Sricharan Rangarajan
Senior Counsel
for Mr.T.Cibi Chakraborty for R3

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 and the learned counsel appearing for R2 and the learned senior counsel appearing for R3

2. The respondents 2 & 3 gave a complaint before the first respondent seeking cancellation of the Document No.27 of 2012 and Document No.687 of 2013 registered on the file of the SRO, Kodaikanal. One document was executed by the petitioner's father, while the other document was executed by the petitioner's husband. Both the deeds of settlement are in favour of the petitioner. The first respondent issued the impugned notice dated 28.07.2023 calling upon the petitioner to offer her explanation as to why they should not be cancelled. Challenging the same, this writ petition came to be filed.



W.P(MD)No.18999 of 2023

WEB COPY

3. The learned senior counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned notice and allow the writ petition as prayed for.

4. The learned Special Government Pleader for R1 as well as the learned senior counsel for the third respondent & the learned counsel for the second respondent submitted that both these documents are piece of rank fraud and that it has been found by this Court itself in the criminal original petition filed by the petitioner herself and that therefore, interference is not warranted.

5. I consciously refrain from going into the merits of the issue. The only question that calls for my consideration is whether the first respondent is competent to cancel a registered document. Of-course, the learned senior counsel appearing for the third respondent as well as the learned counsel for R2 would contend that if something can be demonstrated to be an act of fraud, it can always be nullified at any point of time. The legal position advanced by the respondents is beyond cavil. Still the question is who can do it. I am clearly of the view that it is only a court concerned (It can be writ court or it can be



W.P(MD)No.18999 of 2023

jurisdictional civil court) which can nullify the document. Section 77A of the Act has been introduced into the statute book recently to take care of such situations. The scope and applicability of the said provision is under consideration before the Hon'ble Division Bench. The documents in question were registered in the year 2012 and 2013. The first respondent lacks the jurisdiction to cancel the documents in question.

6. In this view of the matter, on the ground of jurisdiction, the impugned notice is set aside and the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2024

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

The District Registrar (Administration)
District Registrar Office,
Collectorate Campus,
Dindigul-624 004.



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W.P(MD)No.18999 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.18999 of 2023

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