



W.A.(MD)No.1042 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.1042 of 2015
and
M.P.(MD)No.2 of 2015

1.Ramaraj
2.Subbiah
3.Palanichamy

...Appellants

/Vs./

1.The District Registrat (Administration),
South Agraharam,
Periyakulam, Theni.

2.Suburaj (died)
3.Rajagopal (died)
4.S.Kanchana
5.S.Senthilvadivu
6.S.Ashok Kumar
7.S.Venkatesh Kumar
8.S.Nithya
9.R.Saraswathi
10.Latha Senthilkumar
11.R.Senthil Kumar
12.R.Venkatesh

...Respondents

1/6



W.A.(MD)No.1042 of 2015

(R4 to R8 are substituted as the legal heirs of the deceased R2 and R9 to R12 are substituted as the legal heirs of the deceased R3 vide CMP(MD)No.11936 & 11937 of 2023 dated 19.03.2024.)

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to allow the writ appeal and set aside the order passed by this Court in W.P. (MD)No.16712 of 2013 dated 17.07.2014.

For Appellants : Mr.M.Mahaboobathiff

For Respondents : Mr.M.Prakash (R1)

Special Government Pleader

JUDGMENT

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

Challenge has been made against the order of this Court dated 17.07.2014 in WP(MD)No.16712 of 2013, which was filed challenging the order of the first respondent cancelling certain registered documents on the file of the Periyakulam and Theni Registration Offices based upon the Circular relating to the alleged fraudulent registration.



W.A.(MD)No.1042 of 2015

2. The case of the writ petitioners is that the subject properties mentioned in the impugned order were purchased by the writ petitioners on 08.07.2009 and patta was also granted in their favour in Patta No. 7284. They are in possession of the subject property from the year 2009 onwards. When the matter stood thus, a suit in OS No.38 of 2009 was filed by the deceased respondents herein, before the Sub Court, Periyakulam, seeking permanent injunction. Suppressing all these facts, the deceased third respondent herein preferred a complaint alleging that the subject properties belong to him and his brother and sister. Based on the documents produced by the deceased third respondent, the impugned order has been passed cancelling the said documents and directing the matter to be dealt with land grabbing cases. Challenging the same, writ petition was filed.

3. The learned Single Judge of this Court dealt with the issue along with a batch of writ petitions. On a larger interest, this Court upheld the validity of the impugned circular No.67, dated 03.11.2011 as there is no negative element subsists there so as to render it otiose in the



W.A.(MD)No.1042 of 2015

course of judicial test. The learned Single Judge of this Court does not find any illegality or flaw either in the impugned circular or the annulment orders of the respective Inspector General of Registration and the District Registrars concerned. The writ petition challenged in this appeal was dismissed. Challenging the same, the appellants are before this Court.

4. When the matter was taken up for final disposal, the learned Additional Government Pleader appearing for the official respondent as well as the learned counsel appearing for the appellants submits that the Circular No.67 dated 03.11.2011 has been withdrawn in Circular issued by the Inspector General of Registration in Letter No.41530/U1/2017 dated 08.11.2017.

5. It is seen that the Circular No.67 dated 03.11.2011 was issued regarding fraudulent registration. Pending writ appeal, the same was withdrawn. Subsequently, amendment relating to cancellation of the fraudulent transaction was incorporated in Section 77A of the



W.A.(MD)No.1042 of 2015

WEB COPY

Registration Act, 1908, which gives power to the District Registrars to cancel any fraudulent documents and the same was challenged before this Court, which is still pending and hence, nothing survives for further adjudication in this writ appeal.

6. Considering the fact that the Circular No.67 dated 03.11.2011 issued regarding fraudulent registration has already been withdrawn, the order of the learned Single Judge of this Court dated 17.07.2014 passed in WP(MD)No.16712 of 2013 is set aside only to the extent that any order is passed based on the Circular No.67 dated 03.11.2011 alone. Accordingly, this writ appeal is disposed by giving liberty to the parties to work out their remedy before the appropriate forum. No costs. Consequently, connected miscellaneous petition is closed.

(V.B.S.J.) & (K.K.R.K.J.)

19.03.2024

(2/2)

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



W.A.(MD)No.1042 of 2015

V.BHAVANI SUBBAROYAN, J.

and

K.K. RAMAKRISHNAN, J.

sm

TO:-

1. The District Registrat (Administration),
South Agraharam,
Periyakulam, Theni.

Judgment made in
W.A.(MD)No.1042 of 2015
(2/2)

Dated:
19.03.2024