



W.P.(MD).No.17613 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.17613 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

Valarmathi

...Petitioner

Vs

1.The District Registrar,
(Document Registration),
District Registration Office,
Thanjavur,
Thanjavur District.

2.The Sub Registrar,
(Document Registration),
Sub Registration Office,
Pattukottai.

3.Rengasamy

... 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 pertaining to the impugned proceedings of the first respondent dated 28.08.2015 in Ka.No.1570/Aa1/2015 and quash the same.



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For Petitioner : Mr.V.Muthukamatchi
For R-1 and R-2 : Mr.S.P.Maharajan
Special Government Pleader
For R-3 : Mr.C.Bharathi

ORDER

Heard Mr.V.Muthukamatchi, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader for the respondents 1 & 2 and Mr.C.Bharathi, learned counsel for the 3rd respondent.

2. The order impugned in this writ petition is only a show cause notice issued to the petitioner to attend enquiry regarding the petition made by the third respondent.

3. The Inspector General of Registration vide his proceedings in letter No.41530/u1/2017 dated 20.10.2017 withdrew Circular No.67 and the District Registrars were also informed to return the petitions received under Circular No.67, subsequent to the decision of Hon'ble Supreme Court in *Satya Pal Anand v. State of M.P.*, reported in (2016) 10 SCC 767. In the said decision, the Hon'ble Supreme Court has held that the



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power to cancel the registration is a substantive matter and in the absence of any express provision on that behalf, it is not open to assume that the Registering Officer would be competent to cancel the registration of the documents in question.

4. In view of the settled position of law, this Court is of the view that all the facts cannot be looked into by authorities and the same has to be agitated before the civil Court. Hence, the notice impugned, directing the petitioner to appear for enquiry is not sustainable in law and the same is liable to be quashed.

5. Accordingly, this Writ Petition is allowed and the show cause notice dated 28.08.2015 is set aside. The third respondent is at liberty to work out his remedy in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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1. The District Registrar,
(Document Registration),
District Registration Office,
Thanjavur,
Thanjavur District.
2. The Sub Registrar,
(Document Registration),
Sub Registration Office,
Pattukottai.



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K.KUMARESH BABU, J.

Nsr

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