



W.P.(MD)No.23059 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23059 of 2022

and

W.M.P.(MD)No.4599 of 2023

S.Gurusamy

... Petitioner

versus

1. The Deputy Inspector General
Registration Department,
Tirunelveli Region,
Tirunelveli.

2. The District Registrar,
District Registrar Office,
Kokkirakulam,
Tirunelveli.

3. N.Sai Subbulakshmi

4. P.Karthikeyan

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.4564/Thapi./2021 dated 01.06.2022 and quash the same.

For Petitioner : Mr.K.Guhan



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For R1 and R2 : Mr.M.Siddarthan
Additional Government Pleader
For R3 : Mr.A.Srinivasan

ORDER

This writ petition has been filed for the issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.4564/Thapi./2021 dated 01.06.2022 and quash the same.

2. It is the case of the petitioner is that his mother has sold a property to an extent of 2 Acres 60 cents to the 3rd respondent, by a registered sale deed dated 22.07.1996. But, during the registration of document, the 3rd respondent had committed a fraud, by including the joint family property to an extent of 27 cents in the sale deed dated 22.07.1996. Therefore, he filed a petition before the second respondent seeking cancellation of the sale deed executed by his mother in favour of the 3rd respondent. The second respondent, by order dated 02.08.2021, rejected the request made by the petitioner to cancel the document and directed the parties to approach the concerned Civil Court and workout their remedy. Challenging the same, he filed an appeal before the first respondent. The first respondent, by order dated 01.06.2022, confirmed the order dated 02.08.2021 passed by the second respondent. Aggrieved over the



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same, the present writ petition has been filed.

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3. The Registering Authority has no power to cancel any registered documents, as per the law laid down by the Hon'ble Supreme Court in ***Satya Pal Anand vs. State of Madhya Pradesh and others*** reported in (2016) 10 SCC 767 and also by this Court in ***G.Rajasulochana Vs. Inspector General of Registration and others*** (W.P.No.29706 of 2022).

4. Therefore, this Court is of the view that the first respondent, namely, the Deputy Inspector General Registration Department, Tirunelveli, has rightly rejected the appeal filed by the petitioner. The petitioner shall approach the concerned Civil Court and workout his remedy by filing a civil suit.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No.
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N.SATHISH KUMAR, J.

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To

1. The Deputy Inspector General
Registration Department,
Tirunelveli Region,
Tirunelveli.
2. The District Registrar,
District Registrar Office,
Kokkirakulam,
Tirunelveli.

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