



W.P.(MD).No.3184 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.3184 of 2017

and

W.M.P.(MD)Nos.2534, 10313 of 2017 and 1474 of 2022

V.J.T.Vincent

...Petitioner

Vs

1.The Inspector General of Registration,
Santhome Road,
Chennai.

2.The District Registrar (Administration),
District Registrar Office,
Periyakulam,
Theni District.

3.The Sub-Registrar,
Sub-Registrar Office,
Bodinayakanur,
Theni District.

4.A.Rani

5.S.AbdulPari

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the sale deed registered as Document No.2561/2016 dated 11.05.2016 on the file of the third respondent and



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quash the same and consequently direct the respondents 1 to 3 to delete all entries with regard to Document No.2561/2016 dated 11.05.2016 from all the departmental registers maintained by them.

For Petitioner : Mr.M.Kaliraj

For R-1 to R-3 : Mr.S.P.Maharajan
Special Government Pleader

For R-4 and R-5 : Mr.J.Sulthan Basha

ORDER

Heard Mr.M.Kaliraj, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader for the respondents 1 to 3 and Mr.J.Sulthan Basha, learned counsel for the respondents 4 and 5.

2. This Writ Petition has been filed seeking to quash the sale deed registered as Document No.2561/2016 dated 11.05.2016 on the file of the third respondent and to consequently direct the respondents 1 to 3 to delete all entries with regard to the said document from all the departmental registers maintained by them.

3. The issue in this case no longer *res integra*. The Inspector General of Registration, vide his proceedings in letter No.41530/u1/2017



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dated 20.10.2017, has withdrawn the said Circular No.67 and the District Registrars were also informed to return the petitions received under Circular No.67, subsequent to the decision of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 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 above, this Writ Petition is dismissed with liberty to the petitioner to approach the competent civil Court. If any suit is filed by the petitioner, the same shall be entertained by the civil Court by excluding the period for which this writ petition was pending before this Court for the purpose of calculating the limitation period. No costs. Consequently, connected miscellaneous petitions are closed.

14.11.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

Note: Issue Order Copy on 19.11.2024.



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To:

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- 1.The Inspector General of Registration,
Santhome Road,
Chennai.
- 2.The District Registrar (Administration),
District Registrar Office,
Periyakulam,
Theni District.
- 3.The Sub-Registrar,
Sub-Registrar Office,
Bodinayakanur,
Theni District.



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K.KUMARESH BABU, J.

Nsr

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14.11.2024



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-12-2024

CORAM

THE HONOURABLE MR JUSTICE K.KUMARESH BABU

WP(MD) No. 3184 of 2017

V.J.T.Vincent, S/o. V.J.Thomas
7/11, PONNAMBALAM ST, OPP. TO BUS
STAND,BODINAYAKANUR, THENI RES.AT.
VENAD HOUSE, CHELIMADA, KUMULI PO,
KERALA STATE – 685 509.

Petitioner(s)

Vs

1.The Inspector General Of
Registration, Santhome Road, Chennai.

2.The District Registrar
(ADMINISTRATION), DISTRICT REGISTRAR OFFICE,
PERIYAKULAM, THENI DISTRICT.

3.The Sub Registrar
Sub Registrar Office, Bodinayakanur, Theni District.

4.A.Rani
5.S.Abdulpari

Respondent(s)

For Petitioner(s):

Mr.M.Kaliraj

For Respondent(s):

Mr.S.P.Maharajan
Special Government Pleader for R1 to R3

Mr.J.Sulthan Basha for R4 & R5



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ORDER

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This writ petition has been listed today under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. There is no necessity for modifying the order of this Court dated 14.11.2024 and the same stands as it is.

17-12-2024

To

1.The Inspector General of
Registration, Santhome Road, Chennai.

2.The District Registrar
(ADMINISTRATION), DISTRICT REGISTRAR OFFICE,
PERIYAKULAM, THENI DISTRICT.

3.The Sub Registrar
Sub Registrar Office, Bodinayakanur, Theni District.



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K.KUMARESH BABU

abr

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17.12.2024