



W.P.(MD).No.11142 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.11142 of 2016

and

W.M.P.(MD)No.8563 of 2016

T.Anaikutty @ A.S.Ravichandran

...Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar (Administration),
Madurai North,
Madurai.

3.MPR Malayandi @ Ashok

4.Buvaneeswari

5.R.Kannan,
The District Registrar (Administration),
Madurai North,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order made by the second respondent in



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his proceedings in Na.Ka.No.379/A1/2015 dated 18.04.2016 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff
For M/s.Ajmal Associates

For R-1 and R-2 : Mr.D.Sadiq Raja
Additional Government Pleader

For R-3 : Mr.B.Ramanathan

For R-4 : No Appearance

For R-5 : Mr.M.Kannan

ORDER

Heard Mr.M.Mahaboob Athiff, for M/s.Ajmal Associates, learned counsel for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader, for the respondents 1 & 2, Mr.B.Ramanathan, learned counsel for the 3rd respondent and Mr.M.Kannan, learned counsel for the 5th respondent.

2. This Writ Petition has been filed challenging the order made by the second respondent dated 18.04.2016.



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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 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 aforesaid judgment holding that Circular 67 is bad and the impugned notice issued based on circular 67 cannot be sustained. Therefore, the impugned order dated 18.04.2016 is set aside. The parties are at liberty to approach the appropriate civil court for seeking remedial measures, as deemed fit. The period of pendency of the Writ Petition shall stand excluded if such suit is initiated by the parties by invoking Section 14 of the Limitation Act.



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WEB COPY 5. Accordingly, this Writ Petition stands allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

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

To:

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.The District Registrar (Administration),
Madurai North,
Madurai.



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K.KUMARESH BABU, J.

Nsr

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