



W.P.(MD).No.17916 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.17916 of 2016

Lakshmi

...Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road, Chennai – 28.

2.The District Registrar (Admn),
South Akraharam,
Thenkarai, Periyakulam,
Theni District.

3.The Sub Registrar,
12B/1, Markeyankottai Road,
Chinnamanur, Theni District.

4.R.Arumugam

5.B.Amutha

6.M.Nagarathinam

7.G.Chandran

8.C.Gunasekaran

9.C.Iyappan



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10.T.Alagu Meena

11.S.Nagalakshmi

12.N.Rajendran

13.S.Lakshmi

14.R.Subbiramani

15.P.Ramraj

16.K.Paulraj

17.K.Jeyakanth

18.P.Pasupathiammal

19.K.Ashtalakshmi

20.S.Pandi

21.V.Murugan

22.P.Murugan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the second and third respondents to conduct an enquiry as per the proceedings of the first respondent vide Moo.Mu.No.6069/U4/2016 dated 23.02.2016 and Circular No.67 dated 03.11.2013 issued by the first respondent within the time limit prescribed by this Court.



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For Petitioner : Mr.K.C.R.Ramalingam
For R-1 to R-3 : Mr.D.Sadiq Raja
Additional Government Pleader
For R-5 : Mr.R.Suriya Narayanan
For R-4, 6 to 9 : No Appearance
11,14,16 to 21

ORDER

Heard Mr.K.C.R.Ramalingam, learned counsel for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents 1 to 3 and Mr.R.Suriya Narayanan, learned counsel for the 5th respondent.

2. This Writ Petition has been filed praying for a Mandamus, directing the second and third respondents to conduct an enquiry as per the proceedings of the first respondent dated 23.02.2016 and Circular No.67 dated 03.11.2013 issued by the first respondent.

3. The issue involves in this Writ Petition is no longer *res integra*. The Inspector General of Registration, vide his proceedings in letter No. 41530/u1/2017 dated 20.10.2017, has withdrawn the said Circular No.67



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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.

14.11.2024

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

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To:

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K.KUMARESH BABU, J.

Nsr

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