



W.P.(MD).No.19647 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.19647 of 2016

and

W.M.P.(MD)Nos.14156 and 14157 of 2016

Inma International Limited,
Through its Managing Director,
Mr.J.Thiruvarasan

...Petitioner

Vs

1. The District Registrar,
Office of the District Registrar,
Agraharam Street,
Thenkarai, Periyakulam,
Periyakulam Circle,
Theni District.

2. M.O.Mayavel,
District Secretary,
Tamil Manila Piramalaikallar
Murpokku Ilainga Peravai,
Mekkilarpatti, Ethakovil Post,
Andipatti Taluk, Theni District

3. M.Karnan

4. M.Kumaran

5. P.Ganesan

... Respondents



W.P.(MD).No.19647 of 2016

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 of the impugned order issued by the first Respondent in Na.Ka.No.2257/E2/2016 dated 26.08.2016 and quash the same as illegal and forbear the first Respondent from conducting any proceedings pertaining to the title and property right of the Petitioner.

For Petitioner : Mr.M.Kannan

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

For R-2 to R-5 : Mr.R.Murali

ORDER

Heard Mr.M.Kannan, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader for the 1st respondent and Mr.R.Murali, learned counsel for the respondents 2 to 5.

2. This Writ Petition has been filed challenging the impugned order issued by the first Respondent dated 26.08.2016 and forbear the first Respondent from conducting any proceedings pertaining to the title and property right of the Petitioner.

3. The Inspector General of Registration vide his proceedings in letter No.41530/u1/2017 dated 20.10.2017 withdrew Circular No.67 and



W.P.(MD).No.19647 of 2016

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 26.08.2016 is set aside.

5. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

21.11.2024

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



WEB COPY



W.P.(MD).No.19647 of 2016

K.KUMARESH BABU, J.

Nsr

To:

The District Registrar,
Office of the District Registrar,
Agraharam Street,
Thenkarai, Periyakulam,
Periyakulam Circle,
Theni District.

W.P.(MD).No.19647 of 2016

21.11.2024