



W.P.(MD)No.26804 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.26804 of 2022

1.B.Neelaveni

2.Anusha Suresh Kumar Aditya

... Petitioners

Vs.

1.The Inspector General of Registration,
100, Santhome Highway Road,
Manthaivelippakkam,
Raja Annamalaipuram, Chennai 600 028.

2.The Deputy Inspector General of Registration,
Multipurpose Govt. of Tamil Nadu Office Campus,
Kajamalai, Tiruchirappalli.

3.The District Registrar,
Karur District, Karur.

4.The Sub Registrar,
Nangavaram Sub Registrar Office,
Kulithalai Taluk, Karur District.

5. Dharmaraj

.... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus or any other writ or direction or order of appropriate writ nature, to the Respondent No.4 to cancel the proceedings for registration of sale agreement as contained document No.294/2007 dated 17.04.2007 on his file and to grant such other reliefs.

For Petitioner : Mr.S.Jayavel

For Respondents : Mr.P.Subbaraj,
Spl. Govt. Pleader for R1 to R4
Mr.R.Senthilkumar for R5

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the Respondent No.4 to cancel the proceedings for registration of sale agreement as contained in document No. 294/2007 dated 17.04.2007 on his file and to grant such other reliefs.

2. It is the case of the petitioner that the subject property previously owned by a public trust viz., Lakshminarayana Private Trust. The petitioner has purchased the subject property on 17.03.2008 in a sale conducted in accordance with an order of Madras High Court in O.P.No.42 of 2006 under Section 92 of



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Civil Procedure Code. While so, one Chandramouli, one of the trustee of the said trust has executed a power of attorney in favour of the 5th respondent. Thereafter, the said Chandramouli has cancelled of power of attorney executed in favour of the 5th respondent and he also died on 13.09.2009. However, the 5th respondent on 17.04.2007, based on the power of attorney, entered into a sale agreement with one Manoharan and the same was registered vide document No.294/2007. Hence, the petitioner preferred a complaint regarding document No.294/2007 before the third respondent and after enquiry, it was found to be fraudulent and directed to make an entry in the revenue records. Thereafter, on the basis of the circular issued by the 1st respondent, the third respondent has issued an order rescinding the entries and therefore, the entries indicating fraudulent nature of transaction on document No.294/2007 were deleted. Thereafter, on an appeal filed by the petitioner, the third respondent restored the entries as to the fraudulent nature of the transaction with regard to Document No.294/2007. Thereafter, the petitioner made a representation dated 22.09.2022 seeking to cancel the sale agreement dated 17.04.2007. Since, no action was taken, the petitioner has filed this Writ Petition.

3. The respondents have not filed their counter affidavit.



4. When this Court has posed a question to the learned counsel for the petitioner that whether any suit for specific performance is filed, it is submitted by the learned counsel for the petitioner that no suit for specific performance has been filed.

5. Considering the facts and circumstances of the case, this Court is of the view that the Registering Authorities has no power to cancel the document. This aspect has already been declared by the Hon'ble Supreme Court in *Satya Pal Anand vs. State of Madhya Pradesh and others* reported in (2016) 10 SCC 767, wherein the Hon'ble Supreme Court has held that power conferred on the Registrar by virtue of Section 68 cannot be invoked to cancel the registration of the document already registered.

6. However, on a perusal of the sale agreement dated 17.04.2007, it is seen that six months time was given for completing the sale. When the agreement stipulates time, if the agreement is not enforced within that time and also the time provided under the law ie., 3 years, the said agreement will become unenforceable. If the sale agreement has become unenforceable and not enforced in time, the entry in the encumbrance certificate will lead to further complications. Hence, the 4th



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respondent is directed to remove the entry in the encumbrance certificate with regard to the sale agreement dated 17.04.2007, within a period of one month from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

02.09.2024

NCC : Yes/No
Index : Yes/No

vsm

To

- 1.The Inspector General of Registration,
100, Santhome Highway Road,
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- 2.The Deputy Inspector General of Registration,
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