



W.P.(MD)No.21629 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.21629 of 2016

K.Pandi

...Petitioner

Vs

1.The District Registrar (Admn),
Madurai North,
Othakadai, Madurai.

2.The District Revenue Officer,
Madurai District.

3.The Revenue Divisional Officer,
Madurai North Taluk,
Madurai.

4.The Tahsildar,
Vadipatti Taluk,
Madurai District.

5.Amirtham

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent in his proceedings in Na.Ka.No.1826/A1/2016, dated 29.08.2016 and quash the same and further direct the first respondent to conduct an enquiry on the petitioner's request to cancel the Document No.1336 of 2016, dated 07.04.2016.



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For Petitioner : Mr.PT.S.Narendra Vasam

For R-1 to R-4 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

Heard Mr.PT.S.Narendra Vasam, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader for respondents 1 to 4.

2. This Writ Petition has been filed challenging the order of the first respondent in his proceedings in Na.Ka.No.1826/A1/2016, dated 29.08.2016 and to direct the first respondent to conduct an enquiry on the petitioner's request to cancel the Document No.1336 of 2016, dated 07.04.2016.

3. The prayer sought for in the Writ Petition cannot be sustained, in view of the repeated pronouncement of this Court holding that the registering authority does not have power to cancel the documents and it is for the aggrieved person to approach the concerned Civil Court for appropriate relief.



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4. The decision of the Hon'ble Supreme Court in the case of ***Satya Pal Anand vs. State of Madhya Pradesh and others reported in (2016) 10 SCC 767***, 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.

5. In view of settled proposition of law, I am not inclined to entertain the Writ Petition and accordingly, the Writ Petition stands 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.

12.11.2024

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



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K.KUMARESH BABU, J.

Nsr

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