



W.P.(MD).No.21981 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.21981 of 2016

and

W.M.P.(MD)No.15709 of 2016

K.Aruvuham

...Petitioner

Vs

1.The District Registrar,
Madurai North,
Integrated Register Officer Building,
Thirumokur Road,
Oathakadai,
Madurai District.

2.The Sub Registrar,
Thamaraipatti,
Madurai North Taluk,
Madurai District.

3.S.Rajendran

4.R.S.Manian

... 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 pertaining to the order of the first respondent in Na.Ka.No.953/Aa1/2016 dated 05.04.2016 and quash the same and consequently direct the first respondent to conduct an enquiry and cancel



W.P.(MD).No.21981 of 2016

the fraudulent sale deed executed by the third respondent in favour of the fourth respondent in Doc.No.727 of 2013 on the file of the second respondent dated 21.03.2013.

For Petitioner : Mr.C.K.M.Appaji

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

ORDER

Heard Mr.C.K.M.Appaji, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents 1 and 2.

2. This Writ Petition has been filed seeking to quash the order of the first respondent dated 05.04.2016 and consequently direct the first respondent to conduct an enquiry and cancel the fraudulent sale deed executed by the third respondent in favour of the fourth respondent in Doc.No.727 of 2013 on the file of the second respondent dated 21.03.2013.

3. The issue involves in this Writ Petition is no longer *res integra*. The Inspector General of Registration, vide his proceedings in letter No.



W.P.(MD).No.21981 of 2016

41530/u1/2017 dated 20.10.2017, has withdrawn the said Circular No.67 and the District Registrars were also informed to return the petitions received under Circular No.67, subsequent to the decision of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 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. Consequently, the connected miscellaneous petition is closed.

14.11.2024

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



W.P.(MD).No.21981 of 2016

To:
WEB COPY

1. The District Registrar,
Madurai North,
Integrated Register Officer Building,
Thirumokur Road,
Oathakadai,
Madurai District.
2. The Sub Registrar,
Thamaraipatti,
Madurai North Taluk,
Madurai District.



WEB COPY



W.P.(MD).No.21981 of 2016

K.KUMARESH BABU, J.

Nsr

W.P.(MD).No.21981 of 2016

14.11.2024