



WP(MD). No.26463 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 25/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.26463 of 2022 and
WMP(MD) No.20637 of 2022**

Mariappan.N

... Petitioner

Vs

1. The Inspector General of Registration,
Chennai 600 026.

2. The District Registrar (Administration),
Registration Department,
Madurai (South), Madurai.

3. The Sub Registrar No.4,,
Madurai, Madurai District.

4. Muthusamy.N

5. Kaladevi

6. Sonaimuthu.S

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus calling for the records of the 2nd respondent resulting in the 2nd respondents impugned order dated 19.09.2022 passed in Na.Ka.No.



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119/Aa2/ 2022 and quash the same and consequently to direct the 2nd respondent to direct the 3rd respondent not to make any entry to cancel the sale deed in Document No. 7604/2016 dated 04.08.2016.

For Petitioner : M/s.Venkatesan.V.R.,
For Respondent : Mr.P.Subbaraj for R1 to R3
Special Government Pleader

ORDER

The writ petition has been filed challenging the impugned order of the 2nd respondent dated 19.09.2022 and to direct the 2nd respondent to direct the 3rd respondent not to make any entry to cancel the sale deed in Document No. 7604/2016 dated 04.08.2016.

2. Since the impugned order has been passed without hearing the petitioner and no notice has been sent to the petitioner, notice to the private respondents is dispensed with for the simple reason that this Court is inclined to set aside the order for the atrocities committed by the authorities.

3. The subject property has been purchased by the petitioner on 04.08.2016 through a registered sale deed. While so, on the complaint given by the 4th respondent, the sale deed has been cancelled. It is also



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his case that a suit filed for permanent injunction has also been decreed in favour of the petitioner vide judgment and decree dated 05.01.2018.

While so, on the complaint given by the 4th respondent, without giving any notice or hearing the petitioner, through the impugned order, the sale deed of the petitioner stands cancelled, against which, the petitioner is before this Court.

4. The right of the parties have been taken away. The authorities are choosing then and there similar complaints for cancelling the document.

5. In this case, initially, a complaint was given before the District Registrar on 19.03.2018. An order has been passed by the District Registrar on 29.06.2018 rejecting the complaint holding that they have no right to cancel the registered document in view of the law declared by the Apex Court in ***Satya Pal Anand v. State of M.P.***[2016 10 SCC 767].

6. Having rejected the contention of the petitioner, after transfer of the particular District Registrar, similar complaint has been entertained



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by the successor in office and ignoring the earlier order rejecting the request of the petitioner, now, the impugned order has been passed, that too, without serving notice to the petitioner and just based on the allegations raised by the 4th respondent, the power of cancellation of the document has been exercised.

7. This is not the first occasion this Court is seeing this type of orders. Atleast in four or five occasions/writ petitions, similar orders have been passed, when the previous District Registrar refused to entertain the complaint holding that they have no power to cancel the registered document, immediately after transfer of the particular officer, second complaint has been entertained by the successor in office and orders have been passed left and right cancelling the document. This aspect would clearly indicate that how the Registrars are functioning without following the Rules and infringing the property rights of the citizens, which resulted driving the parties to run from pillar to post for setting aside the orders by approaching one forum or the other. Because of the orders passed by the authorities, according to their whims and fancies, several years the parties are forced to spend their time in the



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Court corridors. It is high time that this type of orders to be taken note of by the Inspector General of Registration and necessary action to be initiated in this regard and necessary instructions to be issued hereafter. At last this Court has now realized the atrocities committed by the authorities as to how power under Section 77A of the Registration Act has been exercised to cancel the document, which has been struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. That apart, the Apex Court in ***Satya Pal Anand v. State of M.P.*** [2016 10 SCC 767] and this Court in **G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024** have categorically held that even a circular cannot be issued under Section 68(2) of the Registration Act to go into the transaction.

8. In view of the above, the impugned order is quashed. the writ petition is allowed. No costs. Consequently connected Miscellaneous Petition is closed.

25.09.2024

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TO

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N.SATHISH KUMAR,J

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