



W.P.(MD) No.13450 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.13450 of 2017
and
W.M.P.(MD) No.10517 of 2017**

Ramachandran

... Petitioner

/vs./

1.The District Registrar,
District Registration Office,
Combined Registration Campus,
Collectorate Post,
Dindigul District.

2.The Sub Registrar,
Nagalnayakkanpatti Sub Registration Office,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to cancel the documents vide Document No.3825/2009 dated 17/07/2009, Document No. 286/2017 dated 06/02/2017 and Document No. 483/2017 dated 24/02/2017 on the file of the 2nd Respondent based on Circular No. 67.



W.P.(MD) No.13450 of 2017

WEB COPY

For Petitioner : Mr.M.Benazir Begum

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The writ petition has been filed seeking for a direction to the respondents to cancel the documents in Document Nos.3825/2009 dated 17/07/2009, 286/2017 dated 06/02/2017 and 483/2017 dated 24/02/2017 on the file of the second respondent.

2. The Hon'ble Supreme Court in the case of ***Satya Pal Anand Vs. State of M.P. and others*** reported in ***2016 10 SCC 767***, has categorically held that the Registering Authority cannot cancel the document, which has already been registered by them except pursuant to a decree of the civil Court and had given liberty to the respective parties to approach the civil Court for remedying their grievances. In the present case, the petitioner had sought for a direction to cancel the documents in Doc.Nos.3825/2009 dated 17/07/2009, 286/2017 dated 06/02/2017 and 483/2017 dated 24/02/2017 on the file of the second respondent.



W.P.(MD) No.13450 of 2017

WEB COPY

3. In view of the aforesaid judgment, the prayer sought for in this writ petition cannot be entertained. However, liberty is given to the petitioner to approach the appropriate civil Court seeking remedy in the manner known to law. If the petitioner approaches the civil Court, the period of pendency of this writ petition shall be excluded in calculating the period of limitation.

4. The Writ Petition stands disposed of with such liberty. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
mm

22.11.2024

To

1.The District Registrar,
District Registration Office,
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Collectorate Post,
Dindigul District.

2.The Sub Registrar,
Nagalnayakkanpatti Sub Registration Office,
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3/4



WEB COPY



W.P.(MD) No.13450 of 2017

K.KUMARESH BABU, J.

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W.P.(MD) No.13450 of 2017

22.11.2024