



W.P.(MD) No.18108 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.18108 of 2017

M.Vincent

... Petitioner

/vs./

The District Registrar (Administration),
1A, Thirupattur Road,
Sivagangai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondents in Na.Ka.No.86/E1/2016 dated 08.01.2016 and quash the same and consequently direct the respondent to entertain the petition dated 07.01.2016 and to conduct enquiry and to pass appropriate orders on merits in accordance with law.

For Petitioner : Mr.K.N.Govardhanan

For Respondent : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

Heard Mr.K.N.Govardhanan, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader for the respondent.

2. This Writ Petition has been filed seeking to quash the order passed by the respondent in Na.Ka.No.86/E1/2016 dated 08.01.2016, to direct the respondent to entertain the petition dated 07.01.2016, to conduct an enquiry and to pass appropriate orders on merits in accordance with law.

3. The issue involves in this Writ Petition is no longer *res integra*. The Inspector General of Registration, vide his proceedings in letter No. 41530/u1/2017 dated 20.10.2017, has withdrawn the said Circular No.67 and the District Registrars were also informed to return the petitions received under Circular No.67, subsequent to the decision of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



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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 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. However, there shall be no order as to costs.

Index : Yes / No
Internet : Yes / No
mm

05.12.2024

To

The District Registrar (Administration),
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Sivagangai.



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K.KUMARESH BABU, J.

mm

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