



W.P.(MD) No.18167 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.18167 of 2017

D.Chinnaivalian

... Petitioner

/vs./

1.The District Registrar,
Registration Department,
Karur District,
Karur.

2.The Sub Registrar,
Registration Department,
Kulithalai,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 17.07.2017 and initiate proceedings as per Circular No.67 dated 03.11.2011 of the Inspector General of Registration, Chennai and Annul all the fraudulent entries in S.F.No. 352/6 of Nallur Village, Kulithalai Taluk, Karur District on the file of the 2nd respondent.



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For Petitioner : Mr.AN.Ramanathan
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

Heard Mr.AN.Ramanathan, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader for the respondents.

2. This Writ Petition has been filed seeking for a direction to the first respondent to consider the petitioner's representation dated 17.07.2017, to initiate proceedings, as per Circular No.67 dated 03.11.2011 of the Inspector General of Registration, Chennai and annul all the fraudulent entries in S.F.No. 352/6 of Nallur Village, Kulithalai Taluk, Karur District on the file of the second respondent.

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 The Inspector General of Registration, vide his proceedings in letter No. 41530/u1/2017 dated 20.10.2017, has withdrawn the said Circular No.67 and the District Registrars were also informed to return the petitions received under Circular No.67, subsequent to the decision of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*



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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 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

05.12.2024

Internet : Yes / No

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To

1.The District Registrar,
Registration Department,
Karur District,
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2.The Sub Registrar,
Registration Department,
Kulithalai,
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K.KUMARESH BABU, J.

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