



W.P.(MD) No.18191 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.18191 of 2017
and
W.M.P.(MD) Nos.14642 and 14643 of 2017**

A.Chandrakanth

... Petitioner

/vs./

- 1.The District Collector,
District Collector Office,
Trichy -1,
Trichy District.
- 2.The District Registrar,
District Registrar's Office,
Trichy -1,
Trichy District.
- 3.The Joint No.3 Sub Registrar,
(District Registrar Cadre),
Joint NO.3 Sub Registrar's Office,
Trichy -1,
Trichy District.
- 4.The Inspector of Police,
(Crime),



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Fort Police Station,
Trichy -2,
Trichy District.

5.The Revenue Divisional Officer,
RDO Office,
District Collector's Office Campus,
Trichy -1,
Trichy District.

6.Syed Ali

7.S.Shahila

8.G.Renganathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to 3rd respondent proceedings made in Na.Ka.No.282/2017 dated on 10.07.2017 quash the same, and further direct the 2nd and 3rd respondents to take appropriate action on the Doc.No.1752 of 2017 on the file of 3rd respondent herein dated on 3.7.2017 as per circular no.67 dated 3.11.2011 in C.No. 52338/C1/2011 on the file of Inspector General of Registration, Chennai.

For Petitioner : Mr.R.Sundar

For R1 to R5 : Mr.D.Sadiq Raja
Additional Government Pleader

For R6 & R7 : Mr.T.A.Ebnezer

For R8 : Mr.R.Sundar Srinivasan



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ORDER

Heard Mr.R.Sundar, learned counsel for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents 1 to 5, Mr.T.A.Ebnezer, learned counsel for the respondents 6 and 7 and Mr.R.Sundar Srinivasan, learned counsel for the 8th respondent.

2. This Writ Petition has been filed seeking to quash the order of the third respondent in Na.Ka.No.282/2017 dated on 10.07.2017 and to direct the respondents 2 and 3 to take appropriate action on the Doc.No.1752 of 2017 on the file of third respondent herein dated 03.07.2017, as per circular No.67 dated 03.11.2011 in C.No. 52338/C1/2011 on the file of Inspector General of Registration, Chennai.

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 The Inspector General of Registration, vide his proceedings in letter No. 41530/u1/2017 dated 20.10.2017, has withdrawn the said Circular No.67 and the District Registrars were also informed to return the petitions received under



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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 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. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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