



W.P.(MD).No.21144 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.21144 of 2017

and

W.M.P.(MD)No.19418 of 2017

S.Padmanaban

...Petitioner

Vs

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome,
Chennai – 600 028.

2.The District Registrar (Admin),
District Registrar Office,
Tenkasi,
Tirunelveli District.

3.The Sub Registrar,
Office of the Sub Registrar Surandai,
Surandai,
V.K.Pudur Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the second respondent to initiate necessary action against the illegal forged Settlement Deed in Document No.3151 of 2017 dated 13.09.2017 and cancel the same after conducting proper enquiry within a time frame as stipulated by this Court.



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For Petitioner : Mr.S.Sarvagan Prabhu
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

Heard Mr.S.Sarvagan Prabhu, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondent.

2. This Writ Petition has been filed praying for a Mandamus, directing the second respondent to initiate necessary action against the illegal forged Settlement Deed in Document No.3151 of 2017 dated 13.09.2017 and cancel the same after conducting proper enquiry.

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 The Inspector General of Registration, vide his proceedings in letter No.41530/u1/2017 dated 20.10.2017, has withdrawn the said Circular No.67 and the District Registrars were also informed to return the petitions received under Circular No.67, subsequent to the decision of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



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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 is 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. No costs. Consequently, connected miscellaneous petition is closed.

05.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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K.KUMARESH BABU, J.

Nsr

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