



W.P.(MD).No.22510 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.22510 of 2017

and

W.M.P.(MD)No.18804 of 2017

Muthurakku

...Petitioner

Vs

1.The District Registrar,
O/o.The District Registrar,
Sivagangai Town.

2.The Inspector General of Registration,
O/o.The Inspector General Office,
100, Santhome, Chennai – 600 028.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, to call for the records on the file of the first respondent pertaining to the impugned order in Na.Ka.No.2824/E1/dated 16.10.2017 and quash the same.

For Petitioner : Mr.N.S.Ponnaiah

For Respondents : Mr.M.Saragan
Additional Government Pleader



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ORDER

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Heard Mr.N.S.Ponnaiah, learned counsel for the petitioner and Mr.M.Saragan, learned Additional Government Pleader for the respondents.

2. This Writ Petition has been filed challenging the order dated 16.10.2017 passed by the first respondent.

3. The Inspector General of Registration vide his proceedings in letter No.41530/u1/2017 dated 20.10.2017 withdrew 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 not open to assume that the Registering Officer would be competent to cancel the registration of the documents in question.



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4. In view of the aforesaid judgment holding that Circular 67 is bad and the impugned order issued based on circular 67 cannot be sustained. Therefore, the impugned order dated 16.10.2017 is set aside.

5. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.12.2024

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

To:

- 1.The District Registrar,
O/o.The District Registrar,
Sivagangai Town.
- 2.The Inspector General of Registration,
O/o.The Inspector General Office,
100, Santhome, Chennai – 600 028.



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K.KUMARESH BABU, J.

Nsr

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