



W.P.(MD).No.23052 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.23052 of 2017

V.Murugesan

...Petitioner

Vs

1.The District Registrar,
Office of the District Registrar,
No.171, Palace Road,
Near Thirumalai Naicker Mahal,
Madurai – 625 001.

2.The Sub-Registrar,
Joint No.4, Sub-Registrar Office,
Madurai – 625 003.

3.K.Senthilkumar

4.S.Santhakumar

5.P.Salaimuthu

6.S.Thangam ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 08.11.2017, quash the same, as the same is contrary to Section 83 of Indian Registration Act and consequentially direct the first respondent to conduct an enquiry in accordance with law on the basis of the petitioner's representation dated 07.04.2017.



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For Petitioner : Mr.R.G.Shankar Ganesh
For R-1 and R-2 : Mr.D.Sadiq Raja
Additional Government Pleader
For R-5 and R-6 : Mr.R.Karthick Rajan

ORDER

Heard Mr.R.G.Shankar Ganesh, learned counsel for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents 1 & 2 and Mr.R.Karthick Rajan, learned counsel for the respondents 5 & 6.

2. This Writ Petition has been filed challenging the order of the first respondent dated 08.11.2017 and to consequentially direct the first respondent to conduct an enquiry in accordance with law on the basis of the petitioner's representation dated 07.04.2017.

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 The Inspector General of Registration, vide his proceedings in letter No.41530/u1/2017 dated 20.10.2017, has withdrawn the said Circular No.67 and the District



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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.

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.

05.12.2024

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



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K.KUMARESH BABU, J.

Nsr

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