



W.P.No.35411 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.35411 of 2025
and W.M.P.No.39641 of 2025

- 1.Subramaniyan
- 2.Muruganantham
- 3.Maya Krishnan

... Petitioners

Vs.

- 1.Deputy Inspector General of Registration,
Cuddalore Zone,
Cuddalore.
- 2.District Registrar Cuddalore,
Registration Cuddalore.
- 3.Sub Registrar, Kadampuliyur,
Sub Registrar Office,
Kadampuliyur.



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4.R.Purangani Murugan

5.J.Lakshaboopathy

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of 2nd respondent in Na.Ka.No.1283/a1/a4/2021-1 dated 13.08.2021 and quash the same, consequently direct the 3rd respondent to remove the impugned clause of no further document can be proceeded based on the Doc No.1019/2012, 2232/2014, 861/2019, 1602/2019 and 1276/2020 entry in the Index II Registry of the 3rd respondent office by considering the judgment of the District Munsif Court, Panruti in O.S.No.08/2022 and also in compliance of the first respondent in his proceedings Na.Ka.No.2542/U/2021 dated 30.09.2022.

For Petitioners : Mr.D.Selvaraj
for Mr.V.Neethidurai

For Respondents 1 to 3 : Mr.P.Harish,
Government Advocate



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For Respondent 4 : Mr.R.Purangani Murugan,
Party-in-person

For Respondent 5 : Notice served-No appearance

ORDER

The relief sought for in this writ petition is to call for the records relating to the impugned proceedings of 2nd respondent in Na.Ka.No.1283/a1/a4/2021-1 dated 13.08.2021 and quash the same, consequently direct the 3rd respondent to remove the impugned clause of no further document can be proceeded based on the Doc No.1019/2012, 2232/2014, 861/2019, 1602/2019 and 1276/2020 entry in the Index II Registry of the 3rd respondent office by considering the judgment of the District Munsif Court, Panruti in O.S.No.08/2022 and also in compliance of the first respondent in his proceedings Na.Ka.No.2542/U/2021 dated 30.09.2022.



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2. When the matter was came up for hearing today, learned counsel

for the petitioner would submit that the matter is no longer *res-integra* and the same is covered by the dictum laid down by this Court in W.P.(MD) No.15287 of 2023 dated 29.08.2024. This Court while dealing with the same issue held as follows and the relevant paragraphs are extracted hereunder:-

“5.In fact, the Hon’ble Apex Court has held that and in the absence of any express power to cancel the registered document, the Registrar has no power to cancel the document. Section 68(2) of the Registration Act, 1908 relied upon by the Registration Department to substantiate the circular in this regard, wherein carefully seen. Section 68(2) of the Registration Act, 1908 reads as follows:”

68. Power of Registration to superintend and contol Sub Registrars.

(I) every Sub Registrar perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub Registrar is situate.

(2) Every Registrar shall have authority to issue (Whether on complaint or otherwise) any order consistent with this



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Act which he considers necessary in respect of any act or omission of any Sub Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

6.The above provision makes it clear that the said section confers power upon the Registrar to supervise and control all the acts of the Sub-Registrar. Sub-Section 2 empowers the Registrar to issue any order consistent with the Act, which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him. Similarly, the Registrar shall also have power in respect of the rectification of any error regarding the book or the office in which any document has superintendence and supervision and not a power vested to cancel the registration of the document. Therefore, relying upon Section 68(2) of the Registration Act, 1908 and issuing such circular cannot be valid in the eye of law. Unless a specific power and express provision is made in the Act empowering the Registrar to cancel the document, such powers cannot be conferred by the Inspector General of Registration by taking aid of 68(2) of the Registration Act, 1908.”



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3. In view of the ratio laid down by this Court in W.P.(MD)

No.15287 of 2023 dated 29.08.2024, proceedings issued by the second respondent in Na.Ka.No.1283/a1/a4/2021-1 dated 13.08.2021 is liable to be set aside. Accordingly the said proceeding is set aside. Consequently, this Court directs the respondents to make appropriate entries in the Index II registry. It is open to the parties concerned to adjudicate their rights before the Civil Court.

4. In the result, this writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is also closed.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

To

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Cuddalore Zone,
Cuddalore.

2. District Registrar Cuddalore,
Registration Cuddalore.

3. Sub Registrar, Kadampuliyur,
Sub Registrar Office,
Kadampuliyur.

KRISHNAN RAMASAMY.J,

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