



W.P.(MD)No.20966 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.01.2026

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.20966 of 2025

M.Santhanam

... Petitioner

Vs

1. The Regional Deputy Inspector
General of Registration, Madurai.

2. The District Registrar,
Madurai South, Madurai.

3. A.Vetriselvi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned order in Na.Ka.No.845/Aa2/2021 dated 27.05.2022 passed by the 2nd respondent and consequently the impugned order in Na.Ka.No. 5812/Aa4/2022 dated 31.10.2022 passed by the 1st respondent and quash the same as illegal

For Petitioner : Mr.B.Vijayakarhikeyan

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1 & R2
No Appearance for R3



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ORDER

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This Writ Petition is filed challenging the impugned order passed by the 2nd respondent dated 27.05.2022 and the consequential impugned order passed by the first respondent dated 31.10.2022.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, the third respondent has filed an application before the second respondent seeking to cancel the document No.7344 of 2021, the settlement deed dated 18.08.2021. Based on the said application, the second respondent, by invoking power under Section 68(2) of the Registration Act, after conducting enquiry has declared that the Document No.7344 of 2021 is a fraudulent document and directed to make appropriate entry in the Registry. Challenging the same, the petitioner has filed an appeal before the first respondent. However, the first respondent has also confirmed the order of the second respondent through the impugned order dated 31.10.2022. Challenging



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the same, the petitioner has filed this Writ Petition.

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4. The learned counsel appearing for the petitioner would submit that in view of the law laid down by this Court in ***M.Kathirvel and others Vs. Inspector General of Registration, Department of Registration Chennai, reported in (2024) 5 MLJ 107***, the District Registrar has no power to cancel the registration of any document and to prevent further transactions in pursuant to the said document. Therefore, by following the said decision, the impugned orders are liable to be set aside.

5. The contesting respondent is the third respondent and though notice has been served on the third respondent, there was no representation on behalf of them, which shows that he is not interested to contest the matter.

6. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that in view of the law laid down by this Court in ***Kathirvel's case (cited supra)***, the impugned order



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passed by the second respondent is not sustainable.

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7. Considering the submissions made by both sides, this Court is of the view that since the provision under Section 68(2) of the Registration Act, 1908 was struck down by this Court in *Kathirvel's case (cited supra)*, the impugned order passed by the second respondent by invoking power under Section 68(2) of the Registration Act, 1908 is liable to be set aside.

8. Therefore, the impugned order passed by the second respondent dated 27.05.2022 is set aside and the impugned order passed by the first respondent dated 31.10.2022 is also set aside. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

06.01.2026

vsm

Index : Yes/No

NCC : Yes/No



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To

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1. The Regional Deputy Inspector
General of Registration, Madurai.
2. The District Registrar,
Madurai South,
Madurai.

KRISHNAN RAMASAMY, J.



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