



WP.No.673 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 16.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.673 of 2023
and W.M.P.No.32670 of 2023

R.Kothandaraman

.. Petitioner

Versus

1.The Deputy Inspector General of Registration
Chennai Zone, Chennai – 600 035

2.The District Registrar
Administration, Chengalpet

3.The Sub Registrar
Maduranthangam

4.S.Ramadoss

5.R.Kasturi

6.R.Suresh

7.R.Aishwarya

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Na.Ka. No.1482/AA1/2022 and quash the order dated 18.11.2022 and consequently directing the respondents 1 and 2 to cancel the registration of the documents No.2799 of 2018 dated 20.07.2018 and 3128 of 2020 dated 19-10-2020 on the file of Sub Registrar, Maduranthagam.

For Petitioner : Mr.V.V.Sairam

For Respondents : Mr.B.Vijay for R1 to R3
Additional Government Pleader
Mr.S.Selvakumar for R5 & R6
Mr.Rahul Jaganathan for R7



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ORDER

WEB COPY By consent of both parties, this writ petition is taken up for final disposal.

2. This writ petition has been filed challenging the order of the 1st respondent dated 18.11.2022 in Na.Ka. No.1482/AA1/2022 and quash the same and consequently direct the respondents 1 and 2 to cancel the registration of the Document Nos.2799 of 2018 dated 20.07.2018 and 3128 of 2020 dated 19-10-2020 on the file of Sub Registrar, Maduranthagam.

3. It is the grievance of the writ petitioner that the respondents 4 to 6 have obtained loan from the petitioner for a sum of Rs.2,25,00,000/- and they have given the original documents as security. Further, by obtaining missing certificate from the police department as if the original documents have been lost, the respondents 4 and 6 had executed a settlement deed dated 20.07.2018 in Doc.No.2799 of 2018. Hence, seeks to cancel the settlement deed dated 20.07.2018.

4. Heard both sides and perused the materials placed on record. It is the contention of the the petitioner that fraud has been played by the private



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respondents and the document has to be cancelled. Even assuming that any fraud has been played on the Registrar, the document cannot be cancelled. At the most, a person can be prosecuted by the registering authorities and for cancellation of the documents, the power is not vested with the registering authorities. Merely on the basis of some allegations of advancement of loan to the private respondents, the documents cannot be cancelled.

5. Merely making allegations that the petitioner had advanced such amount in the year 2018 and without any proof of the same, one cannot prevent the owners from enjoying the property forever. If really, the money has been advanced and any document is deposited as security, nothing prevented the petitioner from filing civil suit and seeking an attachment before the judgment of the property which has not been done so.

6. In view of the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

16.04.2024

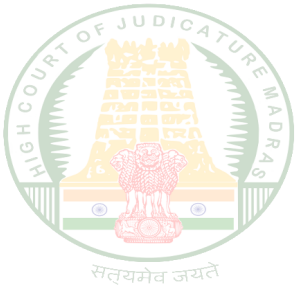
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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

<https://www.mhc.tn.gov.in/judis>



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N. SATHISH KUMAR, J.

dhk

To,

1.The Deputy Inspector General of Registration
Chennai Zone, Chennai – 600 035

2.The District Registrar
Administration, Chengalpet

3.The Sub Registrar
Maduranthangam

W.P.No.673 of 2023

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