

In the High Court of Judicature at Madras

Dated : 24.11.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.37293 of 2015 and MP.Nos.1 and 2 of 2015

R.Selvanayagam

...Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road Mylapore
Chennai-28.

2.The District Registrar, Office of the
Registrar Villivakkam.

3.Mr.Varadarajan Babuji

4.Mr.V.Desikan

5.Mrs.Jayalakshmi Sundararajan

6.Mrs.Kanaka Vethantham

7.Mr.Vedantham V.Aiyangar

8.Mrs.Thangam Narasimhan

9.Mr.V.Annadorai

10.N.Rajendran

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to issue directions to the second respondent to cancel the registration of agreement of sale registered as Doc.No.5174 of 2015 dated 29.9.2015 as per the representation dated 2.11.2015 done based on the fraudulent relationship certificate issued by the Tahsildar, Perambur Taluk Office.

For Petitioner : Mr.R.Balasubramanian

For Respondents 1 & 2 : Mr.P.Sanjay Gandhi AGP

ORDER

Mr.P.Sanjay Gandhi, learned Additional Government Pleader takes notice for respondents 1 and 2. Heard the learned counsel for the petitioner.

2. The petitioner claims to be adopted son of one Mr.Krishnan and Mrs. Chellammal. The dispute raised in this writ petition pertains to a property that stood in the name of the said Mr.Krishnan and Mrs.Chellammal, who are said to have died leaving behind no issues. According to the petitioner, after the demise of the said Mr.Krishnan, a legal heirship certificate was issued, in which, his wife Mrs.Chellammal has been shown as wife of Krishnan and the petitioner has been shown as the adopted son. The petitioner states that respondents 3 to 9 have fraudulently obtained a relationship certificate from the Tahsildar, Perambur Taluk, who has no jurisdiction to issue such certificate. With this contention, the petitioner now seeks to set aside the agreement of sale executed by respondents 3 to 9 in favour of the tenth respondent dated 29.9.2015 registered as doc.No.5174/2015 on the file of the Sub-Registrar, Villivakkam.

3. Two issues, which would stare against the petitioner are that a registered document cannot be set aside in a writ proceeding in view of the decision of the Full Bench of this Court (to which I am a party) in M/s.Latif Estate Line India Ltd. Vs. Mrs. Hadeeja Ammal [2011 (2) CTC 1]. Therefore, if the petitioner is aggrieved by the registered document in doc.No.5174/2015, he has to approach the civil court of competent jurisdiction. Secondly, if the petitioner disputes the relationship certificate on any ground, even then, the petitioner's remedy lies before the civil court and such a remedy cannot be granted in a writ proceeding.

4. Accordingly, the writ petition is dismissed. Consequently, the above MPs are also dismissed.

5. However, this will not stand in the way of the petitioner from working out his rights before the appropriate forum.

WEB COPY

Sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

RS

To

1.The Inspector General of Registration,
Santhome High Road, Mylapore, Chennai-28.

2.The District Registrar,
Office of the Registrar, Villivakkam.

+2 CC to MR.R.Balasubramanian Advocate. SR.NO. 63693
+1 CC to Govt.Pleader. SR.NO. 63733

WP.No.37293 of 2015 &
MP.Nos.1 and 2 of 2015

CO-SV
JD 11/12/2015



WEB COPY