



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2017

CORAM:

THE HONOURABLE **MR. JUSTICE K. RAVICHANDRABAABU**

W.P. (MD) No. 2121 of 2017

and

WMP (MD) No. 1758 of 2017

A. Ahamed Aslam

.. Petitioner

Vs.

1. Inspector General of Registration,
O/o., the Inspector General of Registration,
Chennai - 600 028.

2. The District Registrar,
O/o. The District Registrar,
Pattukottai Taluk,
Tanjore District.

3. The Sub-Registrar I,
O/o. The Sub-Registrar I,
Pattukottai,
Pattukottai Taluk,
Tanjore District.

4. S. Subramanian

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 conduct a fresh enquiry and consequently cancel the Document registered No. 4/1983 registered on 03.01.1983 before the respondent No. 3 in accordance with the Circular No. 67 dated 03.11.2011 issued by the Respondent No. 1. Within the time period stipulated by this Court.

For Petitioner : Mr. T. Lajapathi Roy

For R1 to R3 : Mr. A. Muthukaruppan
Additional Government Pleader

O R D E R

This writ petition is filed seeking for a direction to the respondents 1 to 3 to conduct fresh enquiry and consequently to cancel the Document registered as document No. 4/1983 on 03.01.1983 before the third respondent in accordance with circular No. 67, dated 03.11.2011.



2.It appears that in respect of the subject matter property, the petitioner claims right and title over the same based on certain documents, which according to the petitioner, are in his favour. On the other hand, it is seen that the fourth respondent has dealt with the said property, as if he is having title to the same by executing a registered deed on 03.01.1983, under document No.4/1983. Now that document is sought to be set aside by the present writ petitioner by taking shelter under circular No.67, dated 03.11.2011.

3.I don't understand as to how the title dispute between the petitioner and the fourth respondent can be brought under the scope and ambit of circular No.67, as the petitioner should have agitated and established his right before the civil court at the appropriate time. It appears that the present subject matter of sale was made as early as on 03.01.1983. Therefore, I find that the petitioner is not having any scope for seeking indulgence of this Court to exercise its powers under Article 226 of the Constitution of India to entertain this writ petition.

4.The learned counsel for the petitioner submits that the petitioner came to know about the sale deed only recently, when he sought for certain information under the Right To Information Act.

5.If that be the case, it is for the petitioner to work out his remedy before the competent civil Court by filing appropriate suit. Therefore, this writ petition is dismissed without expressing any view on the claim made by the petitioner, only on the ground that it is not maintainable. However, it is open to the petitioner to resort to the other remedies available under law before the appropriate forum, if such remedy is sustainable under law. Consequently connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(P&A)

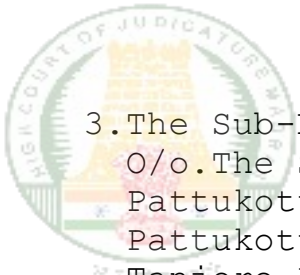
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Sub Assistant Registrar

To

1.The Inspector General of Registration,
O/o.,the Inspector General of Registration,
Chennai - 600 028.

2.The District Registrar,
O/o.The District Registrar,
Paluk,
Tanjore District.



3.The Sub-Registrar I,
O/o.The Sub-Registrar I,
Pattukottai,
Pattukottai Taluk,
Tanjore District.

WEB COPY

+1 cc to Mr. T.LAJAPATHI ROY, Advocate, Sr.No: 7127

+1cc to M/S Special Government Pleader, Sr No. 7233

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MAS/CM-MSA:22.02.2017:3P/6C

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