



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1001 of 2016

And

W.M.P.No.759 of 2016

1.N.Sinraj

2.V.C.Dhuraismy

.. Petitioners

Vs.

1.The District Registrar,
1/3, Vignesh Complex,
Near Sivan Theatre,
Postal Colony,
60 Feet Road,
Tirupur-641 602.

2.Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

3.The Sub Registrar,
Uthukuli Sub Registrar Office,
Uthukuli.

4.Subhramani

5.Kailash

6.Rangambal

7.Bhagyaraj

8.Sathiyaraj

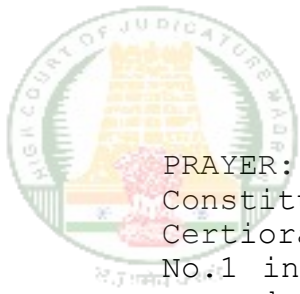
9.Suguna

10.Marrammal

11.Nirmala

12.Gyanasekaran

.. Respondents



PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of respondent No.1 in case of Na.Ka. 1820/M/2015 and quash the impugned order passed by the respondent No.1 dated 21.09.2015 in the said case and consequently to direct respondent Nos.1 and 2 to consider the fact of this case to commence prosecution against executants of document Nos.757 of 2015, 780 of 2015 and 781 of 2015 (all registered at Uthukuli Sub Register Office)/respondent Nos.4 to 12 by conducting proper enquiry and providing opportunity of hearing to all the executants of document Nos.757 of 2015, 780 of 2015 and 781 of 2015 (all registered at uthukuli Sub Register Office)/respondent Nos.4 to 12 and considering the facts to cancel all these document Nos.757 of 2015, 780 of 2015 and 781 of 2015 all registered at Uthukuli Sub Register Office.

For Petitioners : Mr.A.Raghu Raman for
Mr.L.Muruganantham

For Respondents-1 to 3 : Mr.T.M.Pappiah,
Special Government Pleader.

For Respondents-4to12 : Mr.I.C.Vasudevan

O R D E R

The order passed by the District Registrar (Administration), Thiruppur District in proceedings dated 21.9.2015 in respect of the application submitted by the writ petitioners to adjudicate their property rights, is under challenge in this writ petition.

2. The learned counsel Mr.A.Raghu Raman, appearing on behalf of the writ petitioners, strenuously contended that the writ petitioners have been deprived of their property right on account of certain fraudulent activities of the respondents. It is further contended that the transactions were carried out behind the back of the writ petitioners despite the fact that they have got right over the property.

3. The learned Special Government Pleader, appearing on behalf of the respondents 1 to 3, opposed the said contention of the learned counsel for the writ petitioners, by stating that the order of the District Registrar, which is impugned in the writ petition, that all the allegations set out in the complaint by the writ petitioners are in relation to the title, ownership and possession of an immovable property and therefore, the District Registrar cannot conduct an enquiry in respect of the civil disputes existing between the parties. Thus, the District Registrar directed the writ petitioners to approach the competent Civil Court.



4. The learned counsel, appearing on behalf of respondents 4 to 12, also opposed the contentions raised on behalf of the writ petitioners by stating that the writ petitioners have no legal right in respect of the property, which is described in the present writ petition. However, the parties have already filed a civil suit in O.S.No.56 of 2018, which is pending before the learned II Additional District Judge, Thiruppur, wherein the writ petitioners are also parties. Thus, all the issues in relation to the title, ownership and possession or otherwise can be adjudicated by the respective parties by submitting their documents and by adducing evidences.

5. This Court is of an opinion that the District Registrar is empowered to adjudicate in respect of the registration of a fraudulent document or impersonation. However, the District Registrar of Registration Department has no jurisdiction or competency to adjudicate the civil disputes in respect of the claim of title or ownership of the property. Thus, there is no infirmity in respect of the order passed by the District Registrar, which is impugned in this writ petition.

6. This apart, the civil dispute is now pending before the competent Civil Court of Law in O.S.No.56 of 2018, wherein the writ petitioners are also parties. Thus, the writ petitioners are at liberty to set out all their grievances in the civil suit pending before the competent Civil Court of Law for effective adjudication.

7. In this view of the matter, the order passed by the District Registrar, in proceedings dated 21.9.2015, is confirmed. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/--

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Svn



To

1.The District Registrar,
1/3, Vignesh Complex,
Near Sivan Theatre,
Postal Colony,
60 Feet Road,
Tirupur-641 602.

2.Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

3.The Sub Registrar,
Uthukuli Sub Registrar Office,
Uthukuli.

+lcc to Mr.I.C.Vasudevan, Advocate SR.NO.57981
+lcc to Government Pleader SR.NO.57866

sm:4.9.2018

WP 1001 of 2016