

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05-09-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6001 of 2016

And

W.M.P.No.5328 of 2016

1.Sankari
2.Karpagam
3.Umamaheswari
4.Nalini
5.Panchacharam
6.Kavitha
7.Saraswathi

...Petitioners

Vs.

1.The District Registrar,
Kancheepuram District,
Kancheepuram.

2.B.Umaheswaran

3.Mrs.Srimathi

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the order dated 24.8.2015 bearing Na.Ka.No.1868/A2/2015 on the file of the first respondent and quash the same.

For Petitioners : Mr.T.Sathiyamoorthy

For Respondent-1 : Mr.P.P.Purushothaman,
Government Advocate.

For Respondents-2&3 : Mr.M.Vijaya Anand

O R D E R

The order passed by the first respondent/District Registrar, Kancheepuram, in proceedings dated 24.8.2015, is under challenge in this writ petition.

2. On account of certain fraudulent registration of a document before the Sub-Registrar, Kancheepuram, a complaint was registered. The District Registrar of Administration, Kancheepuram, conducted an enquiry in respect of the complaint filed by the respondents 2 and 3 and after adjudication, passed an order in proceedings dated 24.8.2015. The Registrar, in the order impugned, states that a criminal case is to be registered before the competent Police Station. The Sub-Registrar, Kancheepuram, is also directed to register the said complaint. Challenging the said order, the present writ petition has been filed.

3. The learned counsel, appearing on behalf of the writ petitioners, states that civil suits are instituted before the competent Civil Court of Law in respect of the issues aroused between the parties. Unless the civil disputes are decided, it is inappropriate on the part of the District Registrar, Kancheepuram, to issue direction to register the criminal complaint.

4. This Court is of an opinion that such complex facts and circumstances arising on account of civil dispute and registration of certain documents under the Registration Act, can never be adjudicated in the writ proceedings under Article 226 of the Constitution of India. Such complex facts and circumstances are to be adjudicated before the competent Civil Court of Law and admittedly, the civil suit has already been instituted by the parties and the same is pending.

5. In respect of the present impugned order passed by the first respondent dated 24.8.2015, it is an appealable order and the writ petitioners are at liberty to prefer an appeal before the Inspector General of Registration, by setting out all the grounds and grievances. In case of preferring any such appeal by the writ petitioners, the Inspector General of Registration shall consider the same and pass orders on merits, by affording reasonable opportunities to the parties concerned. The appeal to be preferred before the Inspector General of Registration is a statutory one and the Inspector General of Registration is performing the powers of a Quasi Judicial Authority. Thus, the Inspector General of Registration is empowered to consider the merits as well as the legal grounds raised by the respective parties before him during the course of enquiry.

6. This being the legal principles to be followed, the writ petitioners are at liberty to prefer an appeal in the manner known to law.

7. With these observations, 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 VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

The District Registrar,
Kancheepuram District,
Kancheepuram.

+1cc to Mr.T.Sathiyamoorthy, Advocate, S.R.No.61640.

+1cc to Mr.M.Vijayanand, Advocate, S.R.No.61414.

+1cc to the Government Pleader, S.R.No.61803.

WP 6001 of 2016

rrs 24/09/2018.

सत्यमेव जयते
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