

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2018

Coram

The Hon'ble Mrs.Justice PUSHPA SATHYANARAYANA

Writ Petition No. 31091 of 2018
& WMP Nos.36280 & 36281 of 2018

U.Rajkumar,
rep. by its Power Agent,
S.Ananthan.

...Petitioner

Vs.

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

2.The District Registrar,
Deputy D.I.G. Rank,
O/o.District Registration,
Chennai South,
Chennai-600 015.

3.The Sub Registrar,
Registration Department,
Pammal, Chennai-600 075.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of certiorari, calling for the entire records relating to the impugned order passed by the second respondent in his proceedings No.19787/E2/2017, dated 02.03.2018 and quash the same.

For Petitioner : Mr. C.Prakasam

For Respondents : Mr.T.M.Pappiah,Spl.GP

ORDER

Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

2. By consent of both parties, the Writ Petition itself is taken up for disposal.

3. This Writ Petition has been filed, seeking a writ of certiorari, to call for the entire records relating to the impugned order passed by the second respondent in his proceedings No.19787/E2/2017, dated 02.03.2018 and quash the same.

4. It is stated in the affidavit filed by the Power of Attorney of the petitioner that the petitioner had purchased house sites situated in S.No.46/1, Pammal Village, Pallavaram Taluk, Kancheepuram District on 23.12.2013 to the extent of 5453 sq.feet from one Srinivasan. Thereafter, he sold the said house sites to one R.Mallika on 20.04.2016. It is stated that some difficulties faced by the purchasers from the adjacent land owner namely Padmini. It is further stated that the said Padmini by colluding with her vendor, had forged the documents and executed a Power of Attorney in favour of one Pitchai by suppressing a decree passed in (pauper) O.S.No.31 of 1973 dated 21.03.1981, included excessive land and she also constructed flats in the aforesaid plot. Now, the claim of the petitioner is that those documents executed by the said Padmini are the forged one and the same have to be cancelled. In this regard, the petitioner made a representation on 28.12.2017, to the respondents. In reply to the said representation of the petitioner, the third respondent issued proceedings dated 02.01.2018, stating that there is no provision for denying registration of documents, if there is no illegality in the registration process and the aggrieved party can challenge the validity of the documents only before the Civil Court and seek for the appropriate remedy.

5. Since the prayer sought for by the petitioner is to cancel the registered sale deeds and recover the money through the Power of Attorney, this Court finds that there is no infirmity in the impugned order passed by the second respondent dated 02.03.2018 and his remedy is to approach the Civil Court and seek appropriate relief.

6. Therefore, the impugned order dated 02.03.2018 passed by the second respondent is confirmed and the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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

2.The District Registrar,
Deputy D.I.G. Rank,
O/o.District Registration,
Chennai South,
Chennai-600 015.

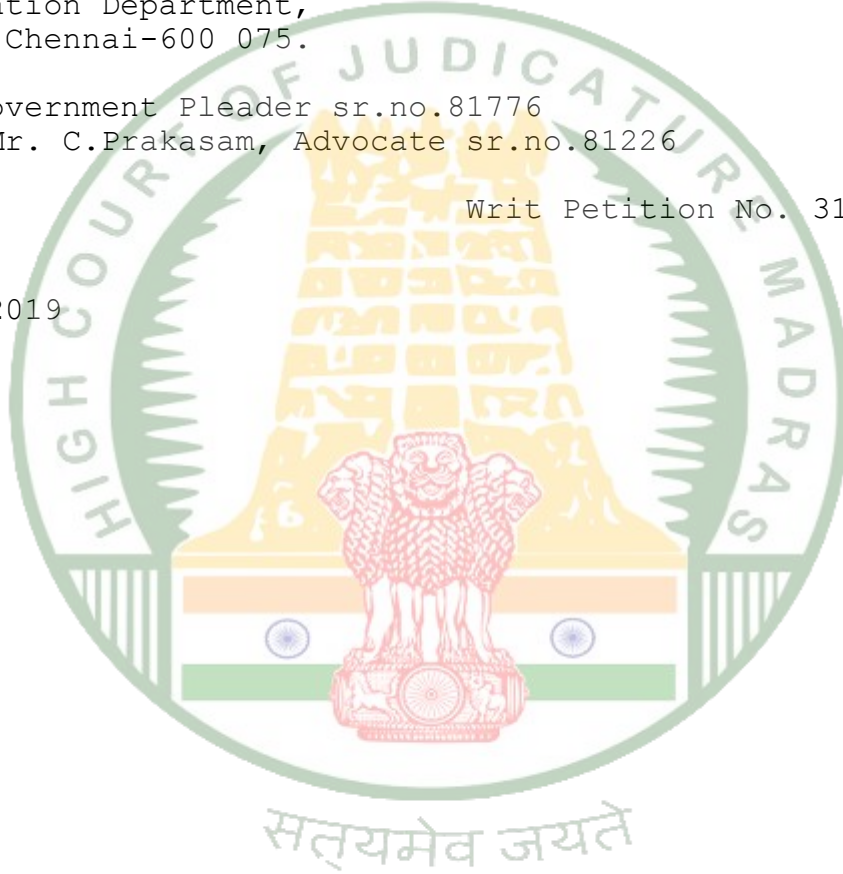
3.The Sub Registrar,
Registration Department,
Pammal, Chennai-600 075.

+1cc to Government Pleader sr.no.81776

+1cc to Mr. C.Prakasam, Advocate sr.no.81226

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