



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A. (MD) No.618 of 2018

and

C.M.P. (MD) No.3401 of 2018

1.Muniammal (Died)

2.Jeyalakshmi

... Appellants / Petitioners

[Memo filed in U.S.R.No.3797, dated 08.08.2016 is recorded as the first appellant died and the second appellant is permitted to substitute for A1 and to prosecute the appeal vide Court order dated 20.02.2018 made in W.A.(MD) SR No.39722 of 2014]

-vs-

1. The Inspector General of
Registration (Stamps)
Registration Department
100, Santhom High Road
Pattinapakkam, Chennai-28

2. The District Registrar
District Registrar Office, Virudhunagar

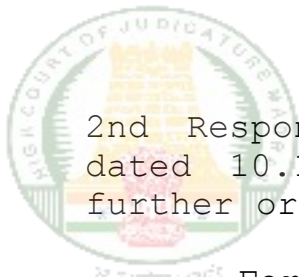
3. The Sub-Registrar
Sub-Registrar Office
Aruppukottai, Virudhunagar District

4.S.Manivel ... Respondents / Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 17.07.2014, made in W.P.(MD) No.331 of 2013, on the file of this Court.

Prayer in WP(MD)No. 331 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned proceedings passed by the



2nd Respondent in his proceedings in Na.Ka.No.3005/.....3/2012 dated 10.10.2012 and quash the same and pass such other and further orders.

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For Appellant : Mr.V.Meenakshisundaram
for Mr.D.Nallathambi

For Respondents : Mr.M.Murugan
Additional Government Pleader
for R1 to R3
Mr.P.Mahendran for R4

J U D G M E N T

[Judgment of the Court by K.RAVICHANDRABAABU, J.]

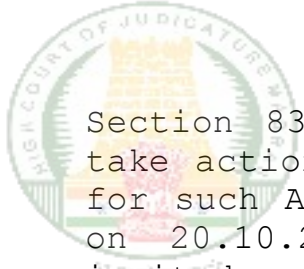
This writ appeal is directed against the common order passed by the Writ Court in W.P.(MD) Nos.331 of 2013 etc., dated 17.07.2014.

2. The common issue involved in all those writ petitions before the Writ Court was in respect of validity of the Circular No.67, issued by the Inspector General of Registration (Stamps), Chennai, dated 03.11.2011.

3. The appellants herein are the writ petitioners before the Writ Court and are aggrieved against the order passed by the District Registrar, Virudhunagar, dated 10.10.2012, wherein and whereby, the said Authority directed the Sub-Registrar concerned to take action in respect of the subject matter transfer of property in accordance with the above said Circular No.67, dated 03.11.2011.

4. Though the learned counsel appearing for the appellants sought to contend that the District Registrar, while passing the order impugned in the writ petition, is not competent or having jurisdiction to decide the title of the subject matter property as has been observed in the impugned order, dated 10.10.2012, however, fair enough to admit that in view of the withdrawal of the said Circular No.67, dated 03.11.2011 subsequently on 20.10.2017, the order passed by the District Registrar impugned in the writ petition does not survive.

5. The learned Special Government Pleader appearing for the official respondents as well as the learned counsel appearing for the fourth respondent fairly submitted that the order impugned in the writ petition does not survive any more in view of the withdrawal of the said Circular No.67, dated 03.11.2011. However, they contended that the District Registrar is having power under



Section 83 of the Registration Act to look into the matter and take action and therefore, such liberty is to be always left open for such Authority even as per the withdrawal notification issued on 20.10.2017. The learned Special Government Pleader also invited our attention to the order passed by the Division Bench, dated 25.10.2017, made in W.P.No.13804 of 2012, wherein it is observed that even though the Circular No.67 has been withdrawn, the powers of the District Registrar mentioned in Section 83 of the said Act cannot be curtailed and that the District Registrar under Section 83 of the said Act is having ample power to recommend for launching prosecution.

6. The learned counsel for the appellants submitted that even though the District Registrar has power under Section 83 of the said Act, he should also look into Section 82 of the said Act and decide the issue accordingly.

7. Needless to say whether prosecution is to be launched or not in pursuance of an enquiry under Section 83 of the said Act, is a question which has to be considered by the District Registrar and decided only after hearing all the parties concerned and by considering the facts and circumstances of the case. At the same time, if the Authority finds that a title dispute exists between the parties, he has to only refer the parties to agitate their respective right and title before the competent Civil Court for adjudicating the matter. In any event as the Authorities in the Registration Department are not competent to decide the title to the property, they should confine their proceedings and actions within the bounds of their power and the scope and ambit of the relevant provision under the said Act and not to travel beyond to traverse and give any observation or finding touching upon the title to the subject matter property.

8. With these observations, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

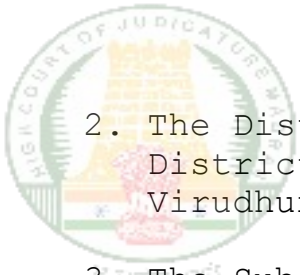
Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. The Inspector General of
Registration (Stamps),
Registration Department,
100, Santhom High Road,
Pallapattanam, Chennai-28.



2. The District Registrar,
District Registrar Office,
Virudhunagar.

3. The Sub-Registrar,
Sub-Registrar Office,
Aruppukottai,
Virudhunagar District.

+1cc to Mr.D.Nallathambi, Advocate Sr.No.70875

+1cc to Spl.Government Pleader Sr.No.70903

+1cc to Mr.P.Mahendran, Advocate Sr.No.70858

KRK

VB/SKN/RSK/SAR1/27.07.2018/4P/7C

W.A. (MD) No.618 of 2018
and
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