

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.10.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.5067 of 2019

and

W.M.P.No.5779 of 2019

S.Dhanalakshmi @ Rosaline Mary
W/o.Santhanam,
residing at No.58,
Eravaadi Mill Street,
Musiri-621 211,
Thiruchirapalli District.

Represented by her Power of Attorney
Mr.S.Israel Durai
S/o.P.Sam Raj,
I Surya Flats,
Cholambedu Road,
Krishnapuram, Ambattur,
Chennai- 600 053.

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Petitioner

Versus

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai- 600 028.
- 2.The Additional Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai- 600 028.
- 3.The Deputy Inspector General of Registration,
Electronic Complex Block-III,
Thiru Vi Ka Industrial Estate, Guindy, Chennai- 600 032.
- 4.The District Registrar,
District Registration Office,
Chennai South,
Chennai - 600 015.
- 5.The Sub-Registrar,
Sub-Registrar Office,
Alandur.

6.The Tahsildar,
Taluk Office, Alandur.

7.Mrs.Uma

8.Mrs.N.Maya

9.Mr.Francis Joseph

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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 4 to conduct appropriate enquiry under Section 81 to 84 of the Registration Act, 1908 and Tamil Nadu Registration Rules in accordance with law on the basis of the petitioner's complaint dated 25.09.2018 and further direct the respondents 1 to 4 to pass orders on pursuant of the circular in Letter No.41530/U1/2017 dated 08.11.2017 issued by the 1st respondent.

For Petitioner ..	Mr.R.Venkatesulu
For R1 to R5 ..	Mr.T.M.Pappiah, Spl.Govt.Advocate
For R6 ..	Mr.N.Inbanathan, AGP
For R7&R8 ..	Mr.E.Omprakash, Senior Counsel Assisted by Mr.Illangovan
For R9 ..	Mr.S.Mohan

O R D E R

The petitioner herein has filed this Writ Petition seeking Mandamus, directing the respondents 1 to 4 to conduct appropriate enquiry under Section 81 to 84 of the Registration Act, 1908 and Tamil Nadu Registration Rules in accordance with law on the basis of the petitioner's complaint dated 25.09.2018.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The complaint of the petitioner dated 25.09.2018 is a protest petition given to the fifth respondent/Sub-Registrar, Alandur not to register documents presented by legal heirs of Narayanan based on Document No.4357/14 which according to the petitioner is a fake document covering Survey No.77/1, Alandur Sub-District, Saidapet.

4. The contention of the petitioner is that the property covered under Survey Nos.77/1 and 77/2 was purchased by her vide sale deed dated 14.01.1980 whereas, the respondents 7 and 8 who are the legal heirs of Narayanan, claiming the title through sale deed executed by Arputhamary and registered on 24.03.1980 has created a fake document by virtue of sale deed executed in favour of Narayanan on 30.10.2014 has obtained patta and trying to alienate property which is owned by the petitioner.

5. The learned counsel appearing for the respondents 7 and 8 would submit that the detailed enquiry was conducted by the Assistant Settlement Officer regarding the allegations made by the petitioner questioned the issuance in patta in favour of respondents 7 and 8. After a detailed enquiry, the Tahsildar has held that the property in dispute is in possession of the respondents. They have purchased through proper document and the issuance of patta in their favour by the Tahsildar is in order and nothing to interfere in his order and if at all, the petitioner is aggrieved, he has to workout his remedy before the Civil Court.

6. According to the petitioner, the land in Survey Nos.77/1 and 77/2 was purchased by the petitioner vide sale deed dated 14.01.1980 and patta was also initially issued in favour of the petitioner which has been cancelled and issued in favour of the respondents later.

7. However, on a comparison of the schedule of property mentioned in the title deed of the petitioner and the deed of the parent document relied upon by the respondents 7 and 8, this Court finds that there is difference regarding the identity of the property. Taking advantage of the Survey No. the petitioner is causing hindrance to the respondents 7&8 through power agent. The four boundaries mentioned in these two documents which are source of title of the rival party does not prima facie tally. It does not indicate that the property is one and the same.

8. The prayer in the Writ Petition is to direct the respondents not to register documents presented by the respondents 7 and 8. As pointed out by the Sub-Registrar in his communication unless and until there is a specific order from the competent Civil Court restraining the Registrar from accepting the documents merely by representation, the Registrar cannot be restrained from discharge his official function. Since there are disputed facts involved in this matter, Civil Court alone is competent to decide the issue.

9. In the result, this Writ Petition is dismissed. No costs. Consequently, connected W.M.P is closed.

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai- 600 028.
 - 2.The Additional Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
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Chennai - 600 015.
 - 5.The Sub-Registrar,
Sub-Registrar Office,
Alandur.
 - 6.The Tahsildar,
Taluk Office, Alandur.
- +1cc to Mr.Mohan, Advocate SR.86385
+1cc to Mr.Illangovan, Advocate SR.86564
+1cc to M/s.Usharaman, Advocate SR.86791
+1cc to the Government Pleader SR.86897,86904

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MG(CO)
CB(31/10/2019)

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