



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Thirteenth day of December Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKESSAVALU

WMP No.35335 of 2019

in WP.No.34589 of 2019

1 P.JAYAPARAKASH

[PETITIONERS]

2 SUNDARAMBAL,

Vs

1 THE INSPECTOR GENERAL OF
REGISTRARION,, 100, SANTHOME HIGH ROAD,
CHENNAI -28

[RESPONDENTS]

2 THE DEPUTY INSPECTOR GENERAL
OF REGISTRATION, COIMBATORE.

3 THE DISTRICT REGISTRAR
(ADMINISTRATIVE), THIRUPUR.

4 R.DURAISAMY,

5 R.VISWANATHAN

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay all further proceeding in impugned proceedings No.4345/E2/2018, order dated 05.09.2019, on the file of 2nd respondent,(in WMP.NO.35335/2019) pending disposal of the above WP.No.34589/2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.SUDHAKAR, Advocate for the petitioner and of MR.T.M.PAPPPIAH, Special Government Pleader, taking notice for the First to Third Respondents the court made the following order:-

Heard Mr.K.Sudhakar, Learned Counsel for the Petitioners, Mr.T.M.Pappiah, Learned Special Government Pleader, who takes notice for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.



2. Notice to the Fourth Respondent returnable by 21.01.2020. Private notice is also permitted.

WEB COPY

3. Learned Counsel for the Petitioners submits that the Second Respondent by the order impugned in the Writ Petition has invalidated the registered document executed in favour of the Petitioners and that taking advantage of the same, the Fourth Respondent is proceeding to create encumbrance in respect of the property affecting the interests of the Petitioners, which has to be restrained till the disposal of the Writ Petition.

4. Learned Special Government Pleader appearing for the First to Third Respondents justifies that the impugned order in the exercise of powers conferred under Section 83 of the Registration Act, 1908.

5. The Hon'ble Supreme Court of India in Satya Pal Anand -vs- State of Madhya Pradesh [(2016) 10 SCC 767] has held that once a document is registered, it is not open to the Registering Authority to cancel its registration even if his attention is invited to some irregularity committed during registration and that the aggrieved party has to challenge the registration and validity of the document before the Civil Court. The rival contentions of the parties could be adjudicated only after the Respondent file their Counter Affidavit.

6. In such circumstances, neither the Petitioners nor the Fourth Respondent shall alienate or create any form of encumbrance or third party interests or part with possession or alter the physical features of the property, without prior permission of this Court, till the next hearing. If any document has been presented for registration in respect of that property, it shall be kept pending by the Registering Authority and further orders of this Court shall be awaited in that regard.

Post the matter on 21.01.2020.

-sd/-

13/12/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

1 THE INSPECTOR GENERAL OF REGISTRARION,
100, SANTHOME HIGH ROAD, CHENNAI -28

2 THE DEPUTY INSPECTOR GENERAL
OF REGISTRATION, COIMBATORE.

3 THE DISTRICT REGISTRAR
(ADMINISTRATIVE), THIRUPUR.

C.C. to M/S.K.SUDHAKAR Advocate on payment of necessary charges
The Special Government Pleader, High Court, Madras - 104.

Order

in
WMP.35335/2019

in
WP.34589/2019

Date :13/12/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
KP(13/01/2020)