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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.8018 of 2019

and

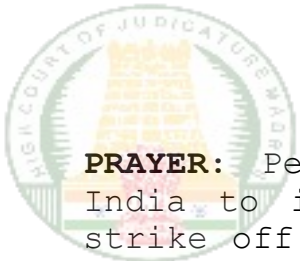
W.M.P. (MD) No.6334 of 2019

Lissy Vargheese

... Petitioner

Vs

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
Tirunelveli,
Tirunelveli District.
- 3.The District Registrar,
Office of the District Registrar,
Marthandam,
Kanyakumari District.
- 4.The Sub Registrar,
Sub Registrar's Office,
Kollemcode,
Kanyakumari District.
- 5.The Sub Registrar,
Sub Registrar's Office,
Manavalakurichi,
Kanyakumari District.
- 6.Ravi
- 7.Annammal
- 8.Alexander
- 9.John Peter
- 10.John Paul,
- 11.Mary Filas
- 12.Sesuadimai
- 13.Giriya



PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records and strike off the registration of sale deed Document Nos.4591/2018 and 4592/2018, dated 28.12.2018 on the file of fourth respondent.

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For Petitioner : Mr.M.Saravanan

For R1 to R5 : Mr.M.Murugan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner is aggrieved by the impugned registration of the sale Document Nos.4591/2018 and 4592/2018, dated 28.12.2018.

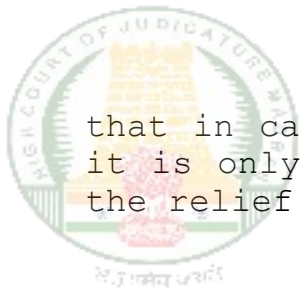
3.The learned counsel for the petitioner draws my attention to the fact that when patta was changed in favour of the contesting respondent herein, he moved this Court by filing W.P.No.13617 of 2013 and an interim stay was granted on 27.06.2014. The interim stay is in force as on date. He also pointed out that when in defiance of the said order, John Basco presented a document for registration, the petitioner opposed the same. The petitioner's objections were sustained by the Sub Registrar, Manavalakurichi, vide order dated 18.05.2015. The petitioner had also succeeded before the Civil Court. Suppressing all these developments, the legal heirs of John Basco in collusion with the Registering Authority got the document registered. The petitioner therefore wants the impugned registration to be struck off from the file of the fourth respondent.

4.The submissions and contentions of the learned counsel for the petitioner are no doubt attractive and weighty. But then, the Hon'ble Supreme Court in the decision reported in **2016 10 SCC 767** in the case of **Satya Pal Anand vs State of M.P. and others**, categorically held that whether there is a commission of irregularity during the registration process, the party aggrieved by the said registration is free to challenge the validity before the Civil Court. The Hon'ble Supreme Court further held that the competent authority to cancel the registration of a document would only be the Civil Court.

5.The learned counsel for the petitioner pointed out that the substance of the decision of the Hon'ble Supreme Court is that the authorities under the Registration Act do not have the power or jurisdiction and that this Court exercising its writ jurisdiction can very well grant relief to him.

<https://hcservices.ecourts.gov.in/hcservices/>

6.Though the said submission is well founded, I am of the view



that in cases such as this, where facts will have to be gone into, it is only the Civil Court that would be the proper Forum to grant the relief sought for.

7. Therefore, granting liberty to the writ petitioner to move the Civil Court for getting the relief now sought for, this writ petition is dismissed. It is made absolutely clear that the writ petitioner's rights are left intact. As and when such a suit is filed, the concerned civil Court shall expedite the disposal of the suit. Since certain serious allegations have been made, this Court directs the second respondent herein to hold an enquiry into the allegations of the petitioner. The enquiry shall be concluded within 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
2. The Deputy Inspector General of Registration,
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3. The District Registrar,
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Marthandam,
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Kollemcode,
Kanyakumari District.
5. The Sub Registrar,
Sub Registrar's Office,
Manavalakurichi,
Kanyakumari District.

+1cc to Mr.R.SUBRAMANIAN, Advocate, SR.No.58869

+1cc to M/s.Special Government Pleader, SR.No.59565