

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.32002 of 2012
and M.P.Nos.1 & 2 of 2012

A.V.Kulaguru Babu,
S/o.Arungunam Vinayagam ... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai-600 028.
- 2.The Sub-Registrar,
O/o. The Sub-Registrar,
Madurandagam,
Kancheepuram District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, prayed to issue a Writ of Certiorarified Mandamus, direct to call for the records relevant to the order in Objection Petition No.54 of 2012, dated 18.10.2012 passed by the second respondent quash the same as illegal, improper against the rule of law and principles of natural justice and thereby direct the respondents not to register any documents in respect of the property in survey No.165/1, to an extent of 0.66 cents and Survey No.166/2 to an extent of 1.23 cents of land Mulli village, Madurandagam Taluk, Kancheepuram District without the knowledge of the petitioner.

For Petitioner : Mr.A.Rajesh Kannaa
For Respondents : Mr.T.M.Pappiah,
Special Government Pleader

ORDER

(This case has been heard through video conference)

This Petition is filed challenging the order dated 18.10.2012 passed by the second respondent with regard to the Objection Petition No.54 of 2012.

2. The learned counsel for the petitioner submits that the petitioner is the owner of the property in Survey No. 165/1 to an extent of 0.66 cents and Survey No.166/2 to an

extent of 1.23 cents of land in Mulli Village, Madurandagam Taluk, Kancheepuram District. In spite of the petitioner being the owner of the property, the Patta, Chitta and Adangal were transferred in the name of the company called M/s.Sam Tools Private Ltd. Therefore, a representation was given to the Tahsildar, Madurandagam Taluk. Thereafter, the petitioner approached the second respondent and submitted the detailed representation dated 18.10.2012 in the form of an objection petition and requested the second respondent not to register any document in respect of the property situated in the Survey Nos.165/1 & 166/2, as described supra.

3. The learned counsel further contends that the second respondent by an order dated 18.10.2012 has given an evasive reply to the effect that he would act in accordance with the provisions of the Registration Act 1908.

4. Under these circumstances, the Writ Petition is filed to quash the said order dated 18.10.2002 and to direct the respondent not to register any documents in respect of the said property.

5. On the contrary, the learned counsel for the Respondents contends that the Writ Petition is not maintainable because it is a title dispute, which should be resolved by a civil court.

6. The law with regard to the powers of the Registrar in such matters is no longer res integra. In Satyapal Anand vs. State of Madhya Pradesh (2016) 10 SCC 767, Para 41, the Hon'ble Supreme Court held categorically that the registration authorities are not entitled to examine the title to the property and that all questions of title should be decided by the competent civil court.

7. Therefore, the impugned order dated 18.10.2012 does not suffer from any infirmity. It is always open to the petitioner to approach the appropriate civil court to obtain relief, if rival title claims have been made in respect of the property.

8. Accordingly, this Writ Petition is disposed of with the above observations. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

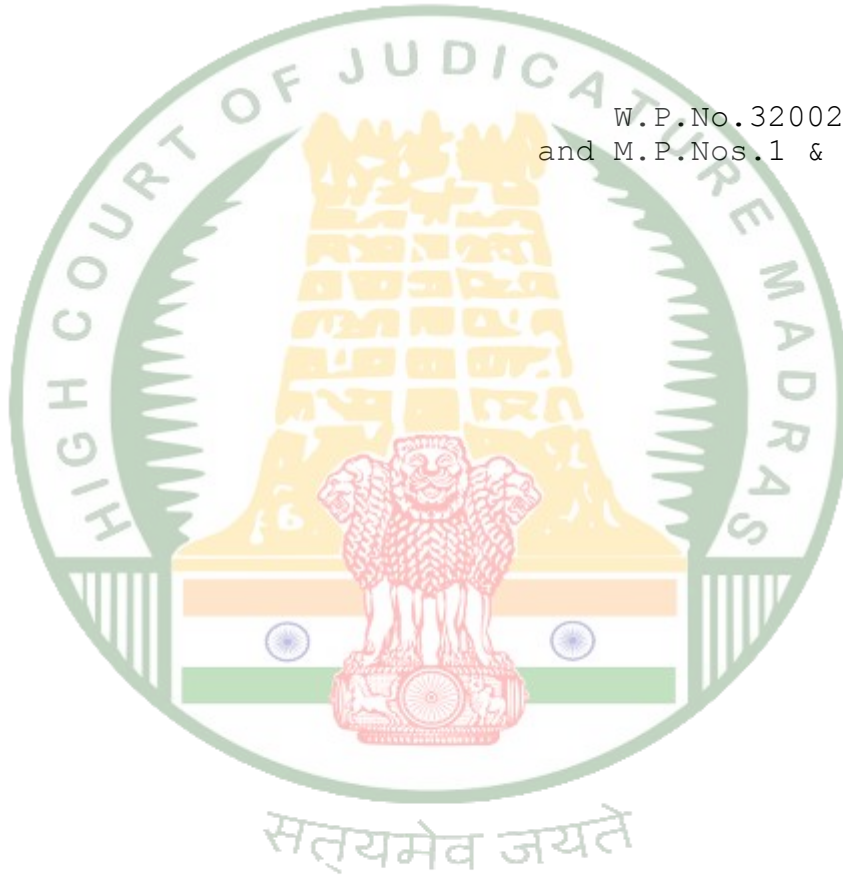
1.The Inspector General of Registration,
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Pattinapakkam, Chennai-600 028.

2.The Sub-Registrar,
O/o. The Sub-Registrar,
Madurandagam,
Kancheepuram District.

+1 cc to Government Pleader,sr.32636.

Ajs(co)
krd 2/11

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