



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No. 3104 of 2021

and

WMP.Nos. 3506, 3507, 3509 and 3511 of 2021

1.N.Muthukumaar
2.M.Durairaj
3.M.Anandan
4.T.Nallathambi
5.N.Sivakumar
6.K.Yasodha

..Petitioners

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai.

2.The District Collector,
Coimbatore.

3.The District Revenue Officer,
Coimbatore -641018

4.The Tahsildar,
Coimbatore North,
Coimbatore -641018.

5.The Coimbatore City Municipal Corporation
represented by its Commissioner,
Town Hall,
Coimbatore.

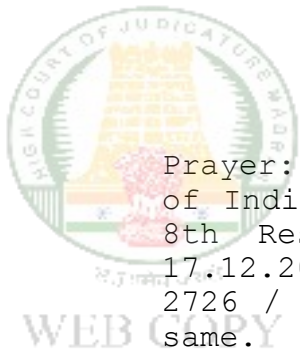
6. The District Registrar,
Coimbatore.

7. The Sub Registrar,
Gandhipuram,
Coimbatore District.

8.The Sub Registrar,
Sivagiri, Erode District.

9.Arukutty
10.Appadurai
11.Chellammal
12.N.Duraisamy

..Respondents



Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of Certiorari, calling for the records of the 8th Respondent herein pertaining to settlement deeds dated 17.12.2020 and 18.12.2020 registered as Doc.Nos 2719 /2020 and 2726 / 2020 on the file of the 8th Respondent and to quash the same.

For petitioners:Mr.P.Vijayraghavan

For Respondents:Mr.KMD.Muhilan, GA - R1 to R4, R6 to R8

Mr.K. Magesh - R5

Mr.B.Karthikeyan - R9 & R10

Mr.Vignesh Venkat - R11 & R12

O R D E R

Let me not go deeply into the facts of this case. This statement of mine would certainly agitate the minds of the learned counsel for the writ petitioners who started arguments by entering into a discussion of the facts. I feel I am justified in that particular statement, because the issue directly related and raised in this writ petition is now pending before the appellate authority namely Additional Inspector General (Registration) Coimbatore. The issue has been pending from March'2021. The issue is pending in the appellate authority pursuant to adverse orders passed at the first instance by the District Registrar, Erode by order dated 23.02.2021. In this order certain observations had been made with respect to two settlement deeds, which had been registered in the Sub Registrar Office, Erode District namely The Sub Registrar, Sivagiri in Erode District.

2. One land measuring 3.42 Acres and other the land measuring 12.42 Acres in Vellakinaru, Coimbatore in S.F.Nos. 258/1-5, 259/3-4 & 5 and also in S.F.Nos. 275/1 & 2, are the subject lands in issue. The writ petitioners are primarily concerned with that particular land. The other piece of land which concerned by the contesting respondents who are shown as respondents 9 to 12, was also registered in Erode District is undivided one half share in land measuring 2120 sq.ft in an unapproved layout. It is claimed that the respondents appear to have taken advantage and had some how managed to get the settlement deeds registered in Sub Registrar Office, Sivagiri in Erode District, when viewed from any angle, they should have been registered before the concerned jurisdictional Sub Registrar Office at Coimbatore.

3. I am informed that my learned predecessor was quite agitated at this particular fact and after hearing the views of the Additional Inspector General (Registration),Coimbatore had indirectly indicated that an enquiry should be done with respect to the said registration.



4. This is why the District Registrar, Erode District appears to have enquired into the execution of the settlement deeds and more particularly with regard to the registrations at Sivagiri Sub Registrar Office at Erode and had finally passed an order on 23.02.2021 declaring that the said documents have been executed in a fraudulent manner.

5. The grievance of the learned counsel for the petitioners is that having so declared, the said documents should have been cancelled. I do agree that a learned Single Judge of this Court in Jayaniithaa Vs Inspector General of Registration, Chennai and Others in W.P.Nos. 18721, 18725 and 18730 of 2020 had given a finding that if a document is found to be fraudulent, then it would not be proper on the part of this Court to direct the parties to go back to the Civil Court for a declaration that the documents are fraudulent but rather present the order of this Court to be registered by the Sub Registrar. Therefore the learned counsel urged that such an order should be passed in this writ petition based on the order passed by the District Registrar, Erode on 23.02.2021.

6. It is admitted by both the learned counsels who appear for the writ petitioners and also for the contesting respondents 9 to 12 that against the order of the District Registrar, Erode District, an appeal is now pending with Additional Inspector General (Registration), Coimbatore from May'2021 onwards. Once that particular authority is seized of the issue, it will be extremely inappropriate on the part of this Court to examine the merits of the rival contentions as stated by the learned counsels. This is why in a very beginning I stated that I refrain from examining the facts of the case in detail. But an outline sketch has been given which primarily relates to the fact an appeal centering around the virus of the documents presented for registration namely settlement deeds is now pending consideration before the Additional Inspector General (Registration), Coimbatore.

7. The learned counsel for the petitioners also relied upon the judgment of the Hon'ble Division Bench of this Court in W.A.No. 340 and 360 of 2019 dated 30.04.2021 in T.G.Navneen & others Vs.The Chairman, Tamil Nadu Electricity Board and others, wherein according to the learned counsel for the petitioners, when documents are found to be fraudulent, then this Court, exercising writ jurisdiction can interfere with the said documents and direct them to be cancelled. But I would advise caution, since the matter is still pending before the appellate authority, who has every right to re-examine the orders passed by the District Registrar, Erode. He has various options before him. He may allow the appeal. He may even dismiss the appeal. He



may modify the order. He may interfere with the order in a limited manner. He may decide to remand the matter back to the District Registrar, Erode. There are these possibilities available before the said Additional Inspector General (Registration), Coimbatore. Therefore, passing any order in the writ petition which would directly or indirectly touch upon those options would be extremely inappropriate and therefore, I refrain from passing any order.

8. The writ petition is disposed of, giving liberty to either the petitioners or the contesting respondents herein to approach this Court once again to question the order of the Additional Inspector General (Registration), Coimbatore or any further orders passed by the appellate authority thereafter, which touch upon the settlement deeds executed by the respondents, more particularly touching upon the properties in Vellakinaru Village in S.F.Nos. 258/1-5, 259/3-4 & 5 and in S.F.Nos. 275/1 & 2. The petitioners and the respondent are well advised to go back to the said authority, advance their arguments and invite the said authority to examine documents and invite the said authority to examine the written representations and thereafter pass considered orders in the said appeal. Thereafter they are at liberty to go to any Forum as established by law to examine further the order of the said authority. I am to state that the District Registrar, Erode who passed the order 23.02.2021 and the Additional Inspector General (Registration) Coimbatore before whom the appeal is pending are not parties to this writ petition.

9. I am confident that the learned Government Advocate will bring to the notice of the said authority about this order. Any request with respect to entries in the revenue records may be addressed to the appellate authority namely Additional Inspector General (Registration), Coimbatore.

10. The Earlier order in respect of Patta, regarding mutation or otherwise passed by my learned predecessor will continue to hold good.

11. With the above observations, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ak



To

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai.

2. The District Collector,
Coimbatore.

3. The District Revenue Officer,
Coimbatore -641018

4. The Tahsildar,
Coimbatore North,
Coimbatore -641018.

5. The Coimbatore City Municipal Corporation
represented by its Commissioner,
Town Hall,
Coimbatore.

6. The District Registrar,
Coimbatore.

7. The Sub Registrar,
Gandhipuram,
Coimbatore District.

8. The Sub Registrar,
Sivagiri, Erode District.

Copy to

The Additional Inspector General (Registration)
Coimbatore

+1 CC to M/s. Sarvabhuman Associates sr 40699

+1 CC to Mr. K. Magesh, Advocate sr 40612.

+1 CC to The Government Pleader sr 41361.

+1 CC to S.V. Pravin Rathinam, advocate sr 41265.

W.P.No. 3104 of 2021

and

WMP.Nos. 3506, 3507,
3509 and 3511 of 2021

VSNII (CO)
SP(07/09/2021)