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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20133 of 2013
and
M.P.Nos.1 & 2 of 2013

V.Mohan Srinivasan

... Petitioner

Vs

1.The State,
Represented by District Registrar,
Office of District Registrar,
No.9, Genis Road,
Saidapet, Chennai - 600 015.

2.J.D.A. Consultancy Services Pvt. Ltd.,
Represented by its Managing Director,
Casa Blanks Complex,
1st floor, Egmore,
Chennai - 600 006.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records of the first Respondent in his proceedings dated 02.07.2013 No.5349/Aa1/2013 to the Petitioner and quash the same.

For Petitioner : Mr.P.L.Narayanan

For Respondents

R1 : Mr.M.R,Gokul Krishnan,
Government Advocate

For R2 : No Appearance



O R D E R

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Writ Petition has been filed to issue a Writ of Certiorari calling for the records of the first Respondent in his proceedings dated 02.07.2013 No.5349/Aa1/2013 to the Petitioner and quash the same.

2. The case of the petitioner is that the petitioner purchased a house plot No.22, admeasuring 2350 sq.ft. from the layout of the House sites (approved in PPD/Lo No.73/91) laid out as "Rajiv Garden". Thereafter, obtained approval from the MMDA, vide Letter No.73/91.

3. While being so, the second respondent attempted to grab the properties including the property purchased by the petitioner colluded with one, Manohar Prasad, who is the Managing Director of Asian Capital Consolidated Fund and Asian Capital Consolidates and Holdings Pvt.Ltd. Therefore, the petitioner along with all other purchasers filed batch of civil suits and obtained interim injunction restraining the second respondent and others from in any manner acting upon the Sale Certificate issued by the Debt Recovery Tribunal-I filed by the Indian Bank under Interim DRC.No.187 of 2001 dated 09.12.2001 in OA.No.375 of 1997.

4. The learned counsel for the petitioner would submit that in fact some of the land owners filed suit in CS.No.768 of 2010, which was decreed in favour of the purchasers and declared the sale certificate issued by the Debts Recovery Tribunal-I, Chennai in OA.No.375 of 1997 as null and void by Order dated 03.02.2015, is not binding on the purchasers who purchased their respective lands. The relevant paragraph is extracted hereunder:

10. Therefore, in respect of the suit property in question, the plaintiff is entitled to the relief of declaration that the plaintiff is not bound by the proceedings created by M/s.Ravishankar Industries Private Limited, the 20th defendant and the first defendant-Bank in respect of the plaint schedule property in O.A.No.375 of 1997 on the file of the DRT-I, Chennai.

10.1. The plaintiff is also entitled to the declaration that the compromise order, dated 21.11.2000, in O.A.No.375 of 1997, is also not binding upon the plaintiff. Consequently, it is



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declared that the Sale Certificate issued in favour of the third defendant by the Recovery Officer, Debts Recovery Tribunal, Chennai, pursuant to DRC No.187 of 2001, dated 03.01.2007 is also not binding upon the plaintiff and his property.

5. In the meanwhile, the second respondent preferred a complaint before the Inspector General of Registration, Chennai dated 21.04.2013 to cancel the Sale Deed which had been executed in favour of the petitioner and other purchasers in pursuant to the Sale Certificate issued by the Debt Recovery Tribunal-I, Chennai in O.A.No.375 of 1997. The said complaint was forwarded to the first respondent herein for conducting enquiry. On receipt of the same, the first respondent issued notice to the petitioner, thereby called upon the petitioner to appear for enquiry to be held on 22.07.2013.

6. The learned Counsel for the petitioner would submit that the first respondent has no jurisdiction to enquire the complaint with regards to cancellation of sale deed except the Civil Court. The Hon'ble Supreme Court of India and this Court repeatedly held that the registering authority has no power and jurisdiction to cancel the document. Therefore, the first respondent has no authority to enquire about the title to the subject property, especially when there is a civil suit with regards to the subject property and when the second respondent's auction purchase under challenge.

7. In view of the above, the impugned notice dated 02.07.2013 issued by the first Respondent in his proceedings No.5349/Aa1/2013 is quashed and the writ petition is allowed. However, if at all the second respondent has grievances over the Sale Deed executed in favour of the petitioner, the second respondent is at liberty to approach the Civil Court for appropriate relief to cancel the Sale Deed executed in favour of the petitioner. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



lok/rgi
To

The District Registrar,
Office of District Registrar,
No.9, Genis Road,
Saidapet, Chennai - 600 015.

+1cc to the Government Pleader Sr.49743

W.P.No.20133 of 2013

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