

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.7432 of 2021

C.Nallasivam

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Petitioner

Vs.

1.The Inspector General of Registration
100, Santhome High Road
Chennai - 600 028.

2.The District Registrar
G.N.Garden Bus Stop
Neruperichal
Tiruppur - 641 602.

3.The Sub Registrar
Mulanur
Tiruppur District.

4.S.Thangavel

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to take action under Sections 81 to 83 of the Registration Act, 1908 against the fourth respondent in respect of the registration of the disputed release deed dated 06.08.2020 (Doc.No.1076/2020) on the file of the 3rd respondent, by considering his representation dated 07.12.2020.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.T.M.Pappiah

Special Government Pleader [R1to R3]

ORDER

The petitioner has filed his representation dated 07.12.2020 to the respondents for holding an enquiry against the fourth respondent within the meaning of Section 82 r/w. 83 of the Registration Act, on the allegation that the fourth respondent and his family members had fraudulently created a partition release deed dated 06.08.2020 as concerning the property in S.No.10/1L measuring an extent of 61 cents, which according to the petitioner is a cart track, and that this property was

allotted to him as early as 2011, and mutation of revenue records had also taken place. However, the fourth respondent who does not claim any right or title over it, on a false declaration, had got the property registered in his name by the third respondent herein, and he now asserts exclusive title over the said property. When this was brought to the notice of the respondents by the petitioner herein, no enquiry was conducted by the third respondent, and hence this petition.

2. Heard the learned counsel for the petitioner, and Mr. T. M. Pappiah, learned Special Government Pleader for respondents 1 to 3. The learned Special Government Pleader submitted that the dispute raised pertains to character and title to the property in question, and the registering authority cannot go into the question of title. The minimum, if not, the maximum the Sub Registrar can now do is hold an enquiry under Section 82, 83 of the Registration Act, if any fraud has been committed in the process of registration.

3. The submission of the learned Special Government Pleader merit consideration. The petitioner has now raised a dispute as to the character of the property in question and the right of the private respondents to deal with that. This issue can be resolved only by a civil Court.

4. For the present, the Sub Registrar, Mulanur, Tiruppur District, the third respondent herein is now required to hold an enquiry into the representation of the petitioner dated 07.12.2020, upon issuing notices and also affording an opportunity of hearing all the parties who are likely to be affected by his decision, for the limited purpose of ascertaining if any fraud has been committed in registration, within a period of three weeks after the receipt of certified copy of this order, and to conclude the same through a speaking order within a period of sixteen (12) weeks thereafter.

4. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Inspector General of Registration
100, Santhome High Road
Chennai - 600 028.

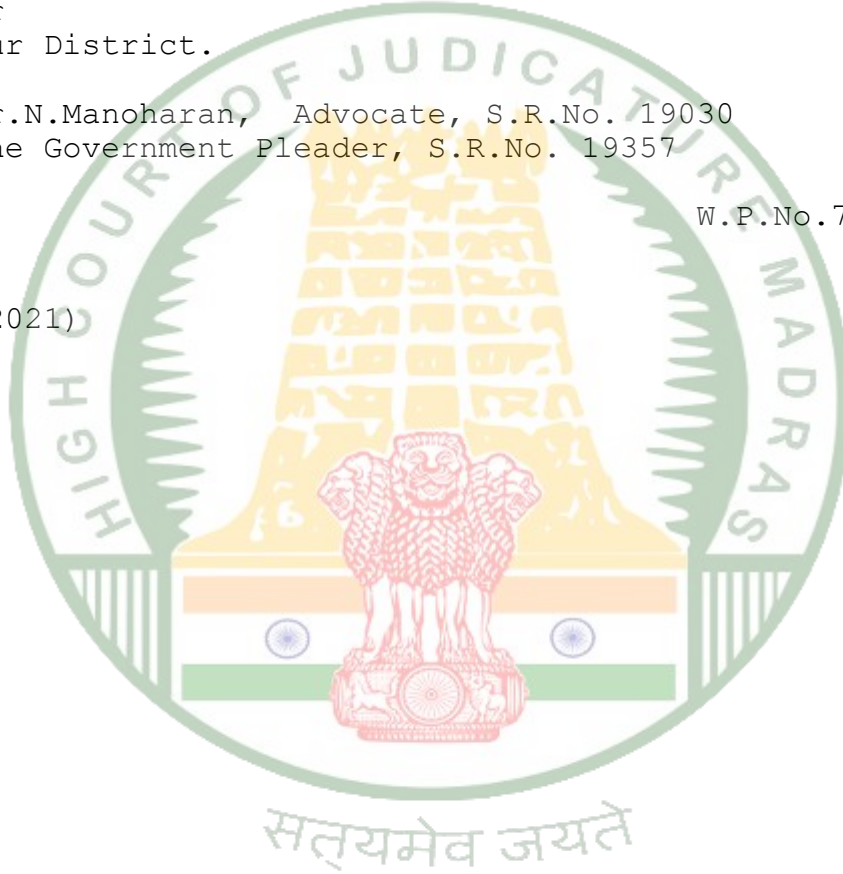
2.The District Registrar
G.N.Garden Bus Stop
Neruperichai
Tiruppur - 641 602.

3.The Sub Registrar
Mulanur
Tiruppur District.

+1cc to Mr.N.Manoharan, Advocate, S.R.No. 19030
+1cc to the Government Pleader, S.R.No. 19357

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AJB(CO)
GN(12/07/2021)



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