



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.252 of 2016

M.Subramania Reddy

.... Petitioner

Vs

1 The Inspector General of Registration,
Department of Registration,
Santhome, Chennai.

2 The District Registrar,
Vellore, Vellore District.

3 The Sub Registrar Joint-I,
Office of Registrar,
Arakonam, Vellore District.

4 N.Anusuya
5 N.Baskaran

6 The Superintendent of Police,
Arakonam District.

.... Respondents

(R6 Suo-Motu impleaded vide order dated 25/01/2021 made in WP.252/2016 by SSSRJ)

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to strike off the settlement deed dated 26.08.2015 bearing Document No. 4855 / 2015 on the file of 3rd respondent and to initiate appropriate criminal proceedings against respondents 4 and 5 under Sec. 83 of the Tamil Nadu Registration Act and Circular No. 67/2011 on the file of 1st respondent.

For Petitioner : Mr.R.Dilli Kumar

For Respondents: Mr.V.Veluchamy (for R1 to R3 & R6)
Government Advocate

Mr.M.Gnanasekar (for R4 & R5)



O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to strike off the settlement deed dated 26.08.2015 bearing Document No. 4855 / 2015 on the file of 3rd respondent and to initiate appropriate criminal proceedings against respondents 4 and 5 under Sec. 83 of the Tamil Nadu Registration Act and Circular No. 67/2011 on the file of 1st respondent.

2. The petitioner states that the property admeasuring 4 acres and 95 cents comprised in Survey No.89/1B and the property admeasuring 5.15 acres comprised in Survey No.299/B-2A/60 both situated at Kainoor Village, Arakonam Taluk, Vellore District absolutely belongs to one Narayanasamy Reddy, son of Vishwanatha Reddy. The said Narayanasamy Reddy got married to the 4th respondent Anusuya. The marital life of Narayanasamy Reddy and the 4th respondent ended a bitter note when the 4th respondent deserted Narayanaswamy Reddy in the year 1961 on account of extra marital affairs. After the separation, the 4th respondent lived with one Rajarathna Reddy and thereafter with one Raju alias Thiagarajan. The 5th respondent is the son of the 4th respondent born through the said Raju alias Thiagarajan.

3. The facts narrated in the affidavit would establish that there are several disputes exist between the parties. All such disputes raised are of civil nature and such an elaborate adjudication cannot be done in a writ proceedings under Article 226 of the Constitution of India. Title relating to an immovable property cannot be decided by a High Court in a writ proceedings. Therefore, the parties have to approach the competent civil Court of law and for cancellation of registration or otherwise, they are at liberty to approach the Registration Department for appropriate action, in the manner known to law.

4. The relief sought for in the present writ petition is to direct the respondents to strike off the said settlement deed and initiate appropriate criminal proceedings. For issuing such directions, an enquiry and an adjudication is required. Such an adjudication is to be done by the competent authorities of the Registration department and in the event of filing any complaint by the jurisdictional police authority.

5. The learned counsel for the petitioner states that already a civil suit was filed by the respondent and it was dismissed for non prosecution. However, it is for the parties to resolve the disputes either by approaching the competent civil court of law or by approaching the competent officials of the



Registration department.

6. Thus, the relief as such sought for in the writ petition cannot be considered by this Court in a writ proceedings and accordingly, liberty is granted to either of the parties to initiate appropriate action in the manner known to law.

7. With these observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Inspector General of Registration,
Department of Registration,
Santhome, Chennai.
- 2 The District Registrar,
Vellore, Vellore District.
- 3 The Sub Registrar Joint-I,
Office of Registrar,
Arakonam, Vellore District.
- 4 The Superintendent of Police,
Arakonam District.
- 5 The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.47945

+1cc to Mr.G.Rajan, Advocate, S.R.No.47438

WP No.252 of 2016

AK-II (CO)
SU(13/10/2021)