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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.13252 of 2021

M.Roseline,
W/o. L.Stephen

... Petitioner

Vs.

1. The Inspector General of
Registration,
Office of th I.G. Registrations,
Santhome, Chennai.
2. The District Registrar,
O/o. District Registrar,
Saidapet, Chennai.
3. The Sub-Registrar,
SRO's office,
Tambaram.
4. M.Shakunthala,
W/o. Mummoorthy
5. G.Bhuvaneswari,
W/o. M.Gopu
6. Mummoorthy Avenue Welfare
Association,
rep. By is President
Mr.GaneshaPrakash

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents No.1 to 3 to conduct an enquiry under Sections 81 to 83 of the Registration Act, 1908 in respect of the registration of the Gift deed dated 17.01.1989 under Document



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No.127/1989 on the file of 3rd respondent based on the petitioner's representation dated 26.03.2021.

For Petitioner : Mr.S.Valarmathi
For Respondents : Mr.Yogesh Kannadasan,
Government Advocate R1 to R3

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O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed seeking a direction directing the respondents 1 to 3 to conduct an enquiry under Sections 81 to 83 of Registration Act in respect of Gift deed executed by 6th respondent in favour of St. Thomas Mount Panchayat.

2. The grievance of the petitioner is that, one Sreekanda Chettiyar is the owner of property and he said to have executed a Will in favour of one Radhakrishnan bequeathing the entire extent of property in his favour. Thereafter, the said Radhakrishnan has given a power of attorney to one Shanthi and she sold the property to various persons, the petitioner said to be one of the purchasers. Subsequently, when the petitioner taking steps to dig a borewell, the respondents 4 to 6 prevented them saying that they have purchased the above house site. Thereafter, the petitioner came to know that, in the year 1989, the property was developed by somebody and a layout was also



approved. Thereafter, the promoter has also executed a Gift deed in respect of a public pathway and other common areas to St. Thomas Mount Panchayat on 17.01.1989. After coming to know about the same, the petitioner has made a representation on 26.03.2021 to the respondents 1 to 3 to take action against the respondents 4 and 5 under Section 81 to 83 of Registration Act. So far, that representation was not considered and no action has been taken on it. Hence, the present writ petition has been filed by the petitioner.

3. Admittedly, the property was developed in the year 1989 and a layout was also approved by competent authorities. While getting approval of the layout, the promoter said to have executed a mandatory Gift deed in favour of St. Thomas Mount Panchayat in respect of a common areas reserved for public purpose. Now, after lapse of more than 30 years, the petitioner said to have filed an application to conduct enquiry on the above Gift deed, under Section 81 to 83 of the Registration Act. The layout was approved in the year 1989 and only thereafter, the petitioner has purchased the property in the year 2007 from a third party. If at all, any title dispute between the parties, it could only be resolved by a civil court, and the petitioner cannot approach the respondents seeking to take action under Sections 81 to 83 of Registration Act. I find no merit in this Writ Petition and the same is only liable to be dismissed.



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Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Inspector General of
Registration,
Office of th I.G. Registrations,
Santhome, Chennai.
2. The District Registrar,
O/o. District Registrar,
Saidapet, Chennai.
3. The Sub-Registrar,
SRO's office,
Tambaram.

+1cc to the Government Pleader, S.R.No.29729
+1cc to M/S.S.Valarmathi, Advocate, S.R.No.29602

W.P.No.13252 of 2021

SKY (CO)
SU(16/07/2021)