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W.P.No.12307 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.12307 of 2015
and MP Nos.2, 3 of 2015

M/s.S.L.O. Industries Limited
Rep by its Managing Director
Anil Kumar Ojha
No. 403/D T.H.Road
Thiruvotriyur
Chennai 600 019.

... Petitioner

.Vs.

- 1 The Inspector General of Registration
Office of the Inspector
General of Registration
No.100 Santhome High Road,Chennai 28
- 2 The District Registrar
Office of the District Registrar
Kancheepuram District, Kancheepuram
- 3 The Joint-I Sub Registrar
Kancheepuram District, Kancheepuram
- 4 The Joint-II Sub-Registrar
Kancheepuram District, Kancheepuram
- 5 Mrs.S.Omana
- 6 P.S.Navaneethakrishnan

... Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the proceedings of the 2nd respondent in Na. Ka. No.6113/Aa2/2014 dt 24.12.2014 and quash the same and consequently direct the respondents to conduct an enquiry on the representation dt 26.11.2014 given by the petitioner to the 1st respondent and cancel the Settlement Deed dt 26.8.2013 registered as document No.5177 of 2013 on the file of the 4th respondent.

For Petitioner : Mr.Menon

For Respondents : Mr.C.Sathish
Government Advocate
R1 to R4

No appearance for R5 & R6

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 24.12.2014 and for a consequential direction to the respondents to conduct the enquiry based on the representation made by the petitioner, wherein the petitioner has sought for the cancellation of the settlement deed dated 26.8.2013.

2.The case of the petitioner is that the subject property was originally owned by the 5th respondent and he executed a general power of attorney dated 03.03.2011. The power of attorney agent sold the subject property to the petitioner Company through a registered sale deed dated 1.11.2011. It is stated that the petitioner thereafter became the absolute owner of the subject property and he is in possession and enjoyment of the same. The patta was also mutated in the name of the petitioner Company. According to



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the petitioner Company, the original title deeds to the property was also handed over to the petitioner Company

3.The grievance of the petitioner is that the 5th respondent had illegally executed a settlement deed dated 26.08.2013, on the file of the 4th respondent and settled the very same property that was sold to the petitioner in favour of his son by cancelling the power of attorney. This settlement deed was questioned by the petitioner and a complaint was given to the 1st respondent stating that the 5th and 6th respondents have indulged in a fraud and sought for necessary action to be taken against them. This complaint was forwarded to the 2nd respondent and the 2nd respondent through proceedings dated 29.12.2014, refused to entertain the complaint given by the petitioner. Aggrieved by the same, this writ petition was filed before this Court.

4.The 2nd respondent has filed counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

8. With regard to Para 3(H) of the affidavit, I submit that the petitioner has made a representation dated 20.11.2014 to enquire into the registration of the said Settlement Deed dated 26.8.2013 and cancel the registration of the same on the ground that the 5th respondent has no right to execute the Settlement Deed. The representation of the petitioner was duly considered. As there was no offence of false personation and the Settlement Deed was not executed based on any fake Power of Attorney, the 2nd respondent has no authority to commence any prosecution under Section 83 of the Registration Act or cancel the Settlement Deed. Hence the 2nd



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respondent has passed the impugned order that the request of the petitioner did not come within the purview of Section 83 of the Registration Act, 1908.

9. With regard to Grounds of the affidavit of the petitioner, I submit that the request of the petitioner to enquire about the registration of the Settlement Deed does not fall within the purview of ion 83 of the Act as explained in circular No.67 dated 3.11.2011 issued by the 1st respondent. The petitioner is having alternative remedy before the competent civil court which will be in a position to adjudicate based on the evidence and when an alternative and efficacious remedy is available, writ jurisdiction cannot be invoked.

5.The crux of the claim made by the petitioner revolves around Circular No.67, dated 03.11.2011. This Circular has been subsequently superseded after the judgment of the Hon'ble Supreme Court in **Satyapal** case through Circular No.41530/U1/2017, dated 08.11.2017.

6.The grievance expressed by the petitioner also does not fall within the requirements of Section 82 of the Registration Act, 1908.

7.In view of the above discussion, the relief sought for by the petitioner cannot be granted by this Court in this writ petition and it is left open to the petitioner to workout his remedy before the Civil Court in accordance with law.



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8.This writ petition is disposed of accordingly. No costs. Consequently,
connected miscellaneous petitions are closed.

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Internet: Yes

Index: Yes/No

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N.ANAND VENKATESH. J.,

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