



W.P.No.28783 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.28783 of 2016

and

W.M.P.No.24826 of 2016

S.Subramani

...Petitioner

Vs.

1. The Inspector General of Registration,
Department of Registration,
Santhome, Chennai - 600 004.
2. The District Registrar,
Vellore District,
Vellore and District.
3. The Sub Registrar,
Gudiyattam Sub Registration Office,
Gudiyattam - 632 602.
4. K.Sugunammal
5. G.Anandan
6. G.Vijayan
7. V.N.Annamalai
8. V.Dhanapal

...Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records of the 3rd respondent proceedings in Na.Ka.No.265/2016 dated 11.07.2016 and quash the same as arbitrary, illegal and nonest in law and consequently direct the respondents 1 to 3 to annul the registered Sale Agreement created among the respondents 4 to 8 dated 15.06.2016 vide Document No.5599 of 2016 on the file of the 3rd respondent with respect to the petitioner's property situated in T.S.No. 53, D.No. 47, Kasa Annamalai Street, Ambapuram, Gudiyattam Town, Vellore District.

For Petitioner : Mr.K.A.Ravindran

For Respondents : Mr.Yogesh Kannadasan, Spl.GP, for R1 to

3

: Mr.T.Dhanyakumar, for R4 to R6

: M/s.G.Nirmala Devi, for R7 & R8

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in respect of the order dated 11.07.2016 in Na.Ka.No.265/2016, quash the same and to consequently direct the respondents 1 to 3 to annul the registered Sale Agreement Doc.No.5599 of 2016 dated 15.06.2016, created among the private respondents in respect of the petitioner's property.



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2. The case of the petitioner is that the property comprised in T.S.No.53, situated at D.No.47, Kasa Annamalai Street, Vellore District originally belonged to the petitioner's grand father namely Venkatasamy Chetty and he settled the same in favour of the petitioner's father namely Sundaram, vide registered Settlement deed Doc.No.173/1981 dated 22.01.1981 and thereafter, the said Sundaram executed a registered Settlement deed Doc.No.9681/2014 dated 07.11.2014 in respect of the subject property in favour of the petitioner. Pursuant to the same, the revenue records were also transferred to the petitioner's name and he is in absolute possession and enjoyment of the subject property. Whiles, the respondents 4 to 6 made continuous attempts to create encumbrance over the subject property and further, the petitioner came to know about the Sale of Agreement in Doc.No.5599/2016 dated 15.06.2016 executed by the respondents 4 to 6 and the father of 5th & 6th respondents in favour of the 7th & 8th respondents in respect of the very same property, who has no rights over the said property. Aggrieved by the same, the petitioner made a representation dated 08.07.2016 before the respondents 1 to 3, seeking to conduct enquiry and to cancel the fraudulent sale agreement dated 15.06.2016 executed in between the private respondents. Pursuant to the



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said representation, the 3rd respondent has passed the present impugned order, vide proceedings in Na.Ka.No.265/2016, dated 11.07.2016, stating that based on the Will dated 03.12.1981 executed by the petitioner's grand father, the subject property is bequeathed to the respondents 4 to 6 and the father of 5th & 6th respondents and on the strength of the said Will, the respondents 4 to 6 have executed a Sale of Agreement in Doc.No.5599/2016 dated 15.06.2016 in favour of 7th & 8th respondents and till date, the said Will dated 03.12.1981 was not set aside in the manner known to law. Hence, challenging the same, this Writ petition is filed.

3. Heard learned counsel on either side and perused the materials available on record.

4. Though very many grounds have been raised by learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, *as per the order of the Hon'ble Division Bench of this Court which held that, the Sub Registrar has no authority to conduct detailed enquiry to ascertain the title of any of the property for which the document*



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was presented before him for registration and the Sub Registrar is bound to register the document presented before them for registration based on the procedures contemplated in the Registration Act, 1908 and accordingly, the 3rd respondent has rightly registered the Sale of Agreement in Doc.No.5599 of 2016 dated 15.06.2016, executed by the respondents 4 to

6 in favour of 7th & 8th respondents and this Court finds no error in present order under challenge, as it is a mere reply given to the petitioner's letter, the learned counsel for the petitioner restricted the prayer and fairly submitted that, it would suffice, if this Court grants liberty to the petitioner to challenge the alleged Will No.196/BK3/1981, dated 03.12.1981 said to have been executed by the said Venkatasamy Chetty in the manner known to law.

5. In view of the above, as the issue involved in the present petition is a mere civil dispute in between the petitioner and the respondents 4 to 6, who are none other than his family members, the same cannot be entertained under Article 226 of the Constitution and further, in view of the restricted relief sought for by the learned counsel for the petitioner, this Court without



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interfering with the impugned communication under challenge, grants permission to the petitioner to workout the remedy in the manner known to law. Further, the period during which the case was pending before this Court shall stand excluded for the purpose of computation of limitation.

6. With the above observations and directions, this Writ petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

01.08.2022

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Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Inspector General of Registration,
Department of Registration,
Santhome, Chennai - 600 004.
2. The District Registrar,
Vellore District,

6/8



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3. The Sub Registrar,
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M.DHANDAPANI, J.

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