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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.28424 of 2021

and

WMP.No.30033 of 2021

A.Ramamurthy

... Petitioner

Vs

1. The District Registrar(Administration),
Integrated Commercial Taxes Complex,
Registration Department Block,
Live Stock - Hospital Road,
Penpet, Nandanam,
Chennai 600 035

2. S.Mangalraj
3. Baby
4. Adhilakshmi
5. Mani
6. Abhimannan
7. Tamilselvi
8. K.Venkatesan
9. K.Manimegalai
10.K.Ganjendri
11.K.Thamayanthi
12.K.Jayalakshmi

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent in Ref.No.6394/E2/2021 dated 30.07.2021 purporting to be an enquiry proceedings initiated upon the representation dated 07.06.2021 seeking cancellation of Doc.Nos.1784/1967, 2738/1974, 4246/2004, 1216/2005, 3853/2006 & 836/2008, S.R.O.Pallavaram and quash the same.

For Petitioner : Mr.B.Harikrishnan



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For Respondents

For R1 : Mr.Yogesh Kannadasan,
Special Government Pleader

For R2 : Mr.C.K.M.Appaji

ORDER

This writ petition has been filed challenging the notice issued by the first respondent dated 30.07.2021 for the enquiry to be held on 13.08.2021 on the complaint lodged by the fifth respondent herein.

2. The learned counsel for the petitioner would submit that the District Registrar has no power to conduct enquiry when the suit is already pending in respect of the very same property comprised in survey No.283/10 admeasuring 91 cents; old survey No.283/7, new survey No.283/9 admeasuring 17 cents; old survey No.283/10, new survey No.283/12 admeasuring 24 cents, in all admeasuring 1 acre and 32 cents situated at Zamin Pallavaram Village, Tambaram Taluk, Kancheepuram District. The petitioner already filed suit in OS.No.72 of 2011 on the file of the Sub Court, Tambaram for declaration declaring that the sale deed dated 14.09.2007 registered vide document No.3284 of 2007 as null and void and also for permanent injunction. The petitioner also filed another suit in OS.No.73 of 2011 on the file of the Sub Court, Tambaram for declaration declaring that the sale deed dated 14.09.2007 registered vide document No.2002 of 2007 as null and void and also for permanent injunction. He further submitted that Section 9 of CPC provides that Courts shall have jurisdiction to try all suits of a civil in nature excepting suits of which their cognizance is either expressly or impliedly barred. Therefore, the Civil Court only has got power to try the suit in respect of issues of civil in nature. Section 5(2) says that Revenue Court in sub-section(1) means a Court having jurisdiction under any local law to entertain suits or other proceedings relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under CPC to try such suits or proceedings as being suits or proceedings of a civil in nature.

3.Heard, Mr.B.Harikrishnan, the learned counsel for the petitioner, Mr.Yogesh Kannadasan, Special Government Pleader appearing for the first respondent, and Mr.C.K.M.Appaji, the learned counsel for the second respondent.

4. It is true that revenue courts have no power to try



the suit when the issues are civil in nature. Admittedly, the District Registrar is not conducting any trial and is only conducting enquiry on the complaint lodged by the fifth respondent herein on the fraudulent deed of conveyance with regards to the subject property and on receipt of the same, issued notice for enquiry. The District Registrar has got power to conduct enquiry under Section 68 of the Registration Act. Therefore, the above contentions raised by the counsel for the petitioner cannot be accepted. That apart, notice dated 30.07.2021 was issued for enquiry to be held on 13.08.2021 and in fact on 13.08.2021, the petitioner appeared for enquiry and again enquiry was adjourned to 24.12.2021. On 24.12.2021 also, the petitioner appeared before the first respondent. Therefore, this Court finds no merits in this writ petition and the same is devoid of merits and liable to be dismissed.

5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The District Registrar(Administration),
Integrated Commercial Taxes Complex,
Registration Department Block,
Live Stock - Hospital Road,
Penpet, Nandanam,
Chennai 600 035

+2ccs to Mr.B.Harikrishnan, Advocate, S.R.No.926

+1cc to the Government Pleader, S.R.No.1641

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SMI (CO)
SU(24/01/2022)