



W.P.Nos.34136 and 34137 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition Nos.34136 & 34137 of 2022
and W.M.P.Nos.33606, 33608, 33610 and 33611 of 2022

R.Jayachandran Petitioner in W.P.34136 of 2022
R.Sankaran Petitioner in W.P.34137 of 2022

-Vs-

1.The District Registrar
Door No.15, Plot No.39
3rd Cross Street, Sankar Nagar
Chennai-Bangalore Highway
Ranipet – 632 401.

2.The Sub Registrar
No.2, Vazhapandal Road
Kalavai – 632 506.

3.V.Vasugi Respondents in both the W.Ps.

Common Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the entire records culminated in the notice of the 1st respondent in Na.Ka.No.50-RPT/A2/2022 dated 25.10.2022 and consequential enquiry and quash the same as the issue is of civil nature and beyond the jurisdiction of the 1st respondent.

In Both W.Ps

For Petitioner : Mr.V.P.Sengottuvel
For Respondents : Mr.P.Sathish
Additional Government Pleader-for RR 1&2



W.P.Nos.34136 and 34137 of 2022

WEB COPY

COMMON ORDER

Since the issue raised in these writ petitions is common, with the consent of the learned counsel for both sides, these writ petitions were taken up together and disposed of by this common order.

2. In both the cases, the summons issued by the 1st respondent District Registration (Administration), Ranipet dated 25.10.2022 are under challenge. It was necessitated for the 1st respondent to issue the summons in entertaining a complaint given by the 3rd respondent in these writ petitions, who made such a complaint against certain documents which have already been registered at the 2nd respondent office involving the petitioners to enquire in the matter and to cancel those documents, which according to the 3rd respondent, are allegedly fraudulent documents within the meaning of Section 77A of the Registration Act.

3. Assailing these summons, Mr.V.P.Sengottuvel learned counsel for the petitioners would submit that, in fact pursuant to the amendment made in the Tamil Nadu Act 41 of 2022, which came into effect from 16.08.2022 how the District Registrars who entertain such complaints within the meaning of Section 77A of the Act has to deal with the same has been indicated through the circular issued by the Inspector General of Registration dated 27.09.2022 in



W.P.Nos.34136 and 34137 of 2022

Lr.No.33760/U1/2022 dated 27.09.2022, wherein inter alia the learned counsel was able to point out that in S.No.7 which dealt with Section 22B under the heading 'Forged Documents' where three circumstances have been mentioned, which reads thus,

1. Document registered through impersonation.
2. Property claimed through forged documents like patta, tax receipt, death certificate, legal heir ship certificate etc.,
3. Property claimed through previously forged registered documents.

4. According to the learned counsel for the petitioners, the document in question does not belong to or comes under any of the three categories. Therefore, the complaint given by the 3rd respondent is not maintainable and therefore if at all any dispute arises which is civil in nature, the parties have to be relegated to the civil court and the complaint under Section 77A of the Act need not be entertained.

5. Heard Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents who would submit that, though such guidelines have been given as to how those complaints made under Section 77A has to be dealt with



W.P.Nos.34136 and 34137 of 2022

by the District Registrars by the circular issued by the Inspector General of Registration referred to above, in complying with those guidelines, the complaint given to the District Registrar under Section 77A has to be dealt with and decided. Therefore, at the threshold, in order to decide the same, when summons were issued, the same cannot be assailed. Otherwise the power and jurisdiction vested with the District Registrars by virtue of Section 77A of the Act would become denuded and that kind of exercise cannot be undertaken by the petitioners challenging the summons issued by the 1st respondent. Therefore, the learned Additional Government Pleader would canvass the point that the writ petitions are not maintainable and the petitioners can be relegated to go before the 1st respondent to agitate the issue including the points raised before this Court, he contended.

6. As has been rightly pointed out by the learned Additional Government Pleader, the impugned communicates are only summons issued by the 1st respondent, of course pursuant to the complaint given by the 3rd respondent within the meaning of Section 77A of the Act.

7. Even though certain guidelines have been given by the Inspector General of Registration through the circular referred to above dated 27.09.2022 where in S.No.7 certain circumstances have been specifically mentioned, that can



W.P.Nos.34136 and 34137 of 2022

only be treated as a guideline and based on such guideline, the 1st respondent has to verify the complaint given by any aggrieved party like the 3rd respondent and in this regard if the petitioners are able to satisfy the 1st respondent that the complaint does not fall under any of the categories mentioned in S.No.7 referred to above, then it is open to the 1st respondent to outrightly reject the complaint at the threshold.

8. Even for making such an order of rejection, a minimum preliminary enquiry is required and only for that purpose the summons are issued which are impugned in these writ petitions. Therefore, this Court has no hesitation to hold that the impugned summons cannot be successfully assailed in this writ petition.

9. In view of the above discussion, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the 1st respondent to take the defence to be submitted by the petitioners' side citing the circumstances mentioned in the circular of the Inspector General of Registration dated 27.09.2022 especially in S.No.7 as quoted herein above and if the 1st respondent comes to the conclusion that the complaint given by the 3rd respondent does not fall



W.P.Nos.34136 and 34137 of 2022

WEB COPY

under any of the categories that are mentioned in S.No.7 of the circular, within the meaning of Section 22B under the heading 'Forged Documents', the 1st respondent can very well reject the complaint at the threshold.

- However, that action has to be taken only by the 1st respondent, as such power is vested in him only under Section 77A of the Act.

10. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.12.2022

Index : Yes/No
Internet : Yes/No
KST
To

1.The District Registrar
Door No.15, Plot No.39
3rd Cross Street, Sankar Nagar
Chennai-Bangalore Highway
Ranipet – 632 401.

2.The Sub Registrar
No.2, Vazhapandal Road
Kalavai – 632 506.



WEB COPY



W.P.Nos.34136 and 34137 of 2022

R. SURESH KUMAR, J.

KST

W.P.Nos. 34136 & 34137 of 2022

21.12.2022