



W.P.No.19453 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19453 of 2017

C.Ananda Geethan

... Petitioner

Vs.

1.Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai – 600 028.

2.District Registrar,
Office of the District Registrar,
Namakkal District,
Namakkal – 637 003.

3.Pappathi
4.Subramani
5.Muthulakshmi
6.Bakiyam
7.Kandasamy
8.Chellammal
9.Periyannan
10.Annavi
11.P.Ponnisamy (Since deceased)

(R3 to R11 – impleaded as per the
order of this Court dated 16.06.2022
made in W.M.P.No.21610 of 2017
in W.P.No.19453 of 2017)

... Respondents



W.P.No.19453 of 2017

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling upon the records of the second respondent in Na.Ka.No.4132/A1/2016 dated 17.02.2017 and quash the same and directing the second respondent to cancel the registration of the document Nos.458/2003, 520/2003, 521/2003, 1121/2011, 1122/2011, 377/2012 and 2460/2011 registered by the Sub - Registrar at Erumaipatti and initiate action against the executants of the above documents as contemplated in the Circular No.67, dated 03.11.2011 (52338/C1/2011) issued by the first respondent.

For Petitioner : Dr.S.N.Amarnath
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling upon the records of the second respondent in Na.Ka.No.4132/A1/2016 dated 17.02.2017 and to quash the same and to direct the second respondent to cancel the registration of the document Nos.458/2003, 520/2003, 521/2003,



W.P.No.19453 of 2017

1121/2011, 1122/2011, 377/2012 and 2460/2011 registered by the Sub - Registrar at Erumaipatti and initiate action against the executants of the above documents as contemplated in the Circular No.67, dated 03.11.2011 (52338/C1/2011) issued by the first respondent.

2.The case of the petitioner is that he made representation to the second respondent seeking to cancel the registration of document Nos.458/2003, 520/2003, 521/2003, 1121/2011, 1122/2011, 377/2012 and 2460/2011 registered by the Sub - Registrar at Erumaipatti and to initiate action against the executants of the above documents as contemplated in the Circular No.67, dated 03.11.2011 issued by the first respondent, however, his request was rejected. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the absolute owner of the subject lands. When he applied for encumbrance certificate for the purpose of construction, he came to know about the execution of the aforesaid documents. Hence, he made representation to the second



W.P.No.19453 of 2017

respondent seeking cancellation of the aforesaid documents, however, his request was rejected, which is non est in law.

4.The learned Special Government Pleader appearing for the Official respondents submitted that the issue arises inbetween the petitioner and the private respondents is purely civil dispute, further the circular referred by petitioner already withdrawn and it has to be decided only by the competent civil Court and not in this writ petition under Article 226 of the Constitution of India.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The petitioner claims that he is the owner of the subject property and when he applied for encumbrance certificate for the purpose of construction, he came to know about the execution of the aforesaid documents. Hence, he made representation to the second respondent seeking to cancel the registration of the documents, however, since his request related to title over the property, the impugned order rejecting his request came to be passed.



W.P.No.19453 of 2017

7. Since the issue arises in between the petitioner and the private respondents is purely civil dispute, it has to be decided only by the competent civil Court and not in this writ petition under Article 226 of the Constitution of India. Hence, the prayer sought for in this writ petition cannot be granted.

8. The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to approach the appropriate civil Forum for appropriate relief. No costs.

16.06.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai – 600 028.

2. The District Registrar,
Office of the District Registrar,
Namakkal District,
Namakkal – 637 003.



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W.P.No.19453 of 2017

M.DHANDAPANI,J.
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W.P.No.19453 of 2017

16.06.2022