



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.06.2022**

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P. (MD) .No.11038 of 2012**

S.Raja

... Petitioner

Vs.

1. The Inspector General of Registration,  
O/o. Inspector General of Registration,  
Chennai - 28.

2. The District Registrar,  
O/o/ District Registrar,  
Madurai South, Madurai.

3. The Sub-Registrar,  
No.4, Sun-Registrar's Office,  
Bypass Road, Vasanth Road,  
Madurai - 3.

4. S.Durairaj

... Respondents

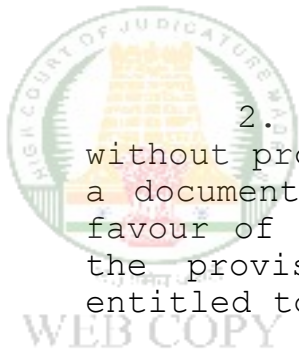
**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.1063/A1/2011-1 dated 24.02.2011 on the file of the second respondent and quash the same as illegal and consequently directing the second respondent to cancel the registration of the forged deeds and power deeds in Nos.2361/08 and 280/08.

For Petitioner : Mr.T.Lajapathi Roy

For R1 to R3 : Mr.K.S.Selvaganesan  
Additional Government Pleader

**ORDER**

The present writ petition has been filed challenging the impugned order passed by the District Registrar under which he has refused to entertain an application filed under Circular No.67 issued by the Registration Department.



2. The learned Counsel for the petitioner had submitted that without production of the parent document relating to the sale deed, a document has been registered by the third respondent herein, in favour of the fourth respondent. Hence, he contended that invoking the provisions under Circular No.67, the second respondent is entitled to conduct an enquiry.

3. The learned Counsel for the petitioner further submitted that the second respondent has refused to conduct an enquiry and only if an enquiry is conducted, the truth or falsity of the allegations made by the petitioner could be made out.

4. Per contra, the learned Government Pleader appearing for the official respondents had contended that Circular No.67 has been withdrawn by the State Government and hence the District Registrar will no longer have power to enquire into the validity of the documents which are already registered.

5. I have considered the submissions made on either side. The allegations of the petitioner by going through the averments in the writ affidavit shows that there is a serious title dispute in the property which cannot be looked into by the second respondent, District Registrar. Hence, the second respondent has rightly rejected the application on the ground that he has no power to entertain the said application. However, the petitioner is always at liberty to approach the competent Civil Court to initiate proceedings challenging the title of the fourth respondent herein.

6. With the above said observations, the Writ Petition is disposed of. No costs

Sd/-

Assistant Registrar (CS II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

jbr

To

1. The Inspector General of Registration,  
O/o. Inspector General of Registration,  
Chennai - 28.



2. The District Registrar,  
O/o/ District Registrar,  
Madurai South, Madurai.

3. The Sub-Registrar,  
No.4, Sun-Registrar's Office,  
Bypass Road, Vasanth Road,  
Madurai - 3.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate ( SR-26995[F] dated 21/06/2022 )

+1 CC to M/s.SPL.GP ( SR-27069[F] dated 21/06/2022 )

Order made in  
W.P. (MD) .No.11038 of 2012  
**20.06.2022**

= SS/29/06/2022/ 3P 6C