



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9235 of 2022

N.Paramasivan

... Petitioner

Vs.

1. The Inspector General of Registration,
Inspector General of Registration Office,
Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
District Registrar Office,
Registration Department,
Tenkasi District.

3. The Sub Registrar,
Kadayanallur Registration Office,
Kadayanallur,
Tenkasi District.

4. K.Iyyendira Rajan

5. K.Pawnraj

... Respondents

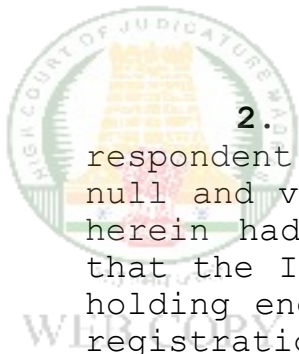
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to declare the partition deed vide document No.242 of 2019 dated 04.02.2019 and settlement deeds vide document Nos.3197 of 2020 and 3198 of 2020 dated 30.12.2020 in respect of the property in Survey No.942/4 of Kadaiyaluritti Village, Sernthamangalam, Kadayanallur Taluk as fraudulent registration by considering the petitioner's representation dated 22.12.2021 within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Mathavaselvam

For R-1 to R-3 : Mr.K.Selva Ganesan,
Additional Government Pleader.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3.



2. The petitioner wants this Court to direct the second respondent to declare the petition mentioned registered documents as null and void. According to the petitioner, the private respondents herein had fraudulently registered the said documents. It is true that the Inspector General of Registration has issued circulars for holding enquiry into acts of fraudulent registration. But then, the registration can be said to be fraudulent only if it is vitiated by impersonation and / or furnishing of fake documents. Such is not the case here.

3. Therefore, the question of directing the second respondent to enquire into the matter does not arise at all. This is the legal position arising out of the judgment pronounced by the Hon'ble Supreme Court in **Satya Pal Anand Vs. State of Madhya Pradesh and Ors. [(2016) 10 SCC 767]**. In view of the aforesaid decision of the Hon'ble Supreme Court, the registering authority after registration cannot cancel the same. After hearing the learned counsel appearing for the petitioner and going through the affidavit filed in support of the writ petition, it appears that there is a civil dispute. It should be resolved only by moving the jurisdictional civil Court. Moving the registering authority or filing the writ petition is clearly misconceived.

4. This writ petition stands dismissed. I make it clear that I have not gone into the merits of the matter. The petitioner is always at liberty to move the jurisdictional civil Court to establish his rights therein. The dismissal of this writ petition will not in any way affect the rights of the petitioner. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

To:

1. The Inspector General of Registration,
Inspector General of Registration Office,
Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
District Registrar Office,
Registration Department,
Tirunelveli District.

<https://hcservices.courts.gov.in/hcservices>



3. The Sub Registrar,
Kadayanallur Registration Office,
Kadayanallur,
Tenkasi District.

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+1 CC to M/s.SPL.GP (SR-24381[F] dated 07/06/2022)

W.P. (MD)No.9235 of 2022
06.06.2022

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