



W.P.(MD)No.22348 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.09.2022

CORAM

**THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition (MD) No.22348 of 2022

K.N.Prabhu

.. Petitioner

Versus

1.The District Registrar (Administration),  
Registration Department,  
Registrar Office, Karur.

2.The Sub Registrar,  
Mala Karur Sub Registrar's Office,  
Mala Karur,  
Karur District.

3.Sankar, S/o.Late. Pasupathi

4.S.Nivas, S/o.Sankar

.. Respondents

**Prayer :-** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the order dated 06.12.2019, in N.No.2659/A1/2019 of the first respondent herein and quash the same.

For Petitioner : Mrs.AL.Ganthimathi

For Respondents 1 and 2 : Mr.K.S.Selvaganesan  
Additional Government Pleader



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## **ORDER**

**WEB COPY** The petitioner has prayed for issuance of a Writ of Certiorari, to call for the records relating to the order of the first respondent, in N.No.2659/A1/2019, dated 06.12.2019, and quash the same.

2.The case of the petitioner is that he purchased the land in S.F.Nos. 150/A, 150/B, 138/A and 138/B, measuring an extent of 0.53.5 Cents out of the total extent of 3 Acres and 80 Cents, situated in Lakshmaninarayana Samuthiram Village, Karur Taluk, Karur District, through a registered sale deed dated 26.04.2018, from the respondents 3 and 4 and he is in peaceful possession and enjoyment of the property. The said land was originally purchased by one K.Pasupathi and his brother K.Perumal, through registered sale deeds, dated 12.06.1974 and 27.03.1979. The said K.Pasupathi died intestate on 24.12.1996 and as the legal heir of the deceased K.Pasupathi, the third respondent herein along with his sons namely, the fourth respondent herein and one S.Subash, had alienated the land in favour of the petitioner through a registered sale deed, dated 26.04.2018. While alienating the said land in favour of the petitioner, the third respondent and his sons have retained the undivided extent of 9 cents of land, which was used as a cart track. With an evil intention to disturb the petitioner's possession and enjoyment of the above said land, the third respondent had executed a settlement deed, dated



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09.07.2018, in favour of the fourth respondent in respect of the said 9 cents of land, which was shown as cart track in the petitioner's document. However, there is no such reference in the settlement deed.

3.The petitioner further submits that the respondents 3 and 4 are having evil intention to defraud him and disturb his possession and enjoyment, as the alienation and settlement is in respect of the undivided land. The respondents 3 and 4 had executed a sale deed in favour of the petitioner, dated 26.04.2018, on the basis of the earlier documents dated 12.06.1974 and 27.03.1979. However, the third respondent obtained non-traceable certificate from the Sub-Inspector of Police, Town Police Station, Karur District, as if parent documents in respect of the said land were missing and obtained a certificate from the Village Administrative Officer as if the said properties are ancestral properties of the third respondent and executed the said fraudulent settlement deed in favour of the fourth respondent. On coming to know about the same, the petitioner sent a representation dated 18.07.2019 to the respondents 1 and 2, seeking to initiate criminal proceedings against the respondents 3 and 4.

4.The petitioner further submits that the respondents 1 and 2 are the competent authorities under Section 83 of the Registration Act, 1908 [hereinafter referred to as "the Act"] to commence the criminal prosecution for



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fraudulent registration. Even after receiving the representations from the petitioner, the respondents 1 and 2 have not taken any action on the same. In fact, the Inspector General of Registration had issued a Circular to the concerned District Registrar in Letter No.41530/01/2017, dated 08.11.2017, regarding initiation of criminal prosecution under Section 83 of the Act. Under the aforesaid circumstances, the petitioner was constrained to file a Writ Petition praying for a direction to the respondents 1 and 2 to initiate criminal prosecution under Section 83 of the Act, against the respondents 3 and 4. The said Writ Petition was disposed of on 22.08.2019, directing the first respondent to enquire into the complaint of the petitioner and after giving an opportunity of hearing, pass final orders within a period of six weeks from the date of receipt of a copy of the said order. Pursuant thereto, the first respondent herein had without any detailed enquiry, by order dated 06.12.2019, rejected the petitioner's request, directing him to approach the civil court. Challenging the said order, the petitioner has approached this Court.

5.It is seen from the material available on record that the petitioner has purchased undivided 0.53.5 cents out of 3 Acres and 80 Cents, in the above said survey numbers, situated at Lakshmaninarayana Samuthiram Village, Karur Taluk, Karur District, through the registered sale deeds dated



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12.06.1974 and 27.03.1979 from the third respondent herein. The third respondent and his sons have retained an undivided extent of 9 cents of land, which was used as cart track. The petitioner has purchased only a part of the land. There are no proper boundaries in the documents. The first respondent has rightly rejected the petitioner's request, which can be decided by the civil court, as the dispute pertains to the title of the suit property. If the petitioner is aggrieved by the said decision of the first respondent, he can approach the Deputy Inspector General of Registration. He has not exhausted the said efficacious and alternative remedy, but straightaway approached this Court. If the dispute is with regard to extent of land between the parties, the same cannot be decided by the respondents 1 and 2 and same has to be decided only by the competent civil court. This Court finds no error in the order of the first respondent, dated 06.12.2019, warranting interference at the hands of this Court and hence, this Writ Petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to approach the competent civil court, if he so advised. No costs.

Index : Yes/No

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To  
1. The District Registrar (Administration),  
Registration Department,  
Registrar Office, Karur.

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**V.BHAVANI SUBBAROYAN, J.**

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2.The Sub Registrar,  
Mala Karur Sub Registrar's Office,  
Mala Karur,  
Karur District.

Order made in  
W.P.(MD) No.22348 of 2022

26.09.2022