



1

W.P.(MD)NO.7800 OF 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7800 of 2017

S.Banumathi

... Petitioner

Vs.

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

2. The District Registrar (Admin),
Registrar Office,
Palayamkottai,
Tirunelveli.

3. The Sub Registrar,
Sub Registrar Office,
Melapalayam,
Tirunelveli District.

4. Anadaraj

5. Pricilla Pandiyan

6. E.Nayeenar (died)

7. Vasuki

8. Sudha

9. Nithayya

(R-7 to R-9 are suo motu impleaded as LR.
of R-6 vide Order dated 14.06.2022)

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the order passed by the first respondent herein in his proceedings No.26938/U1/2015 dated 02.11.2015 and to direct the first respondent to conduct enquiry after calling for the records from the second respondent by his proceedings in 4070/A4/2014 dated 30.03.2015.

For Petitioner : Mr.S.Sarvagan Prabhu

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

For R-5 : Mr.H.Arumugam

For R-6 to R-9 : Mr.T.Selvakumaran

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner wants the registering authorities to render a finding that the registration of the petition mentioned document is fraudulent. The document was registered way back in the year 1995. As rightly pointed out by the learned



counsel appearing for the contesting respondents, the registering authority in Tamil Nadu cannot go into the aspect of fraud in respect of the registration that had taken place in Kerala. That apart, the registration had taken place in the year 1995. The circulars and instructions which enable the registering authority to render a finding regarding fraud were issued subsequently. They cannot be retrospectively applied. Circular 67 has also since been withdrawn. More than anything else, the issue raised by the petitioner are to be evidentially adduced. It is only the jurisdictional civil Court that can go into the aspects raised by the petitioner. It is also seen that the subsequent purchaser had filed an injunction suit and also obtained ex-parte decree. The petitioner ought to have filed a set aside petition. All the contentions of the writ petitioner can be agitated in the said suit. All the rights of the writ petitioner are left open. The impugned order does not call for any interference. For the aforesaid three reasons, this writ petition stands dismissed. No costs.

02.08.2022

Index : Yes / No

Internet : Yes/ No

PMU



4

W.P.(MD)NO.7800 OF 2017

G.R.SWAMINATHAN,J.

PMU

To:

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
2. The District Registrar (Admin),
Registrar Office,
Palayamkottai,
Tirunelveli.
3. The Sub Registrar,
Sub Registrar Office,
Melapalayam,
Tirunelveli District.

W.P.(MD)No.7800 of 2017

02.08.2022