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W.P.No.1094 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.1094 of 2023

and

W.M.P.Nos.1081 & 1082 of 2023

Dr.M.Arunvel Kumar

... Petitioner

Vs

1.The District Registrar (Administration),
Registration Office,
Chengalpet District,
No.10, Kanchipuram High Road,
Chengalpet 603 002.

2.M.Sukumar Reddy

3.The Inspector General of Registration,
Office of the Inspector General of Registration,
100 Santhome High Road,
Chennai – 28.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the 1st respondent dated 15.12.2022 in No.7389/B3/2022 and quash the same.



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For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.R.P.Muruganraja
Government Advocate for R1 & R3

ORDER

The prayer sought for herein is for a Writ of Certiorari, calling for the records of the 1st respondent dated 15.12.2022 in No.7389/B3/2022 and quash the same.

2. It seems that, the 2nd respondent had given a complaint against the petitioner with regard to the documents in Document Nos.1252/2015 and 1253/2015 on the file of the Sub Registrar, Thiruporur stating that, those documents are fraudulent documents therefore that should be enquired and cancelled. Based on the said complaint, the 1st respondent District Registrar had issued a summon to the petitioner as well as the 2nd respondent on 15.12.2022 directing the parties to appear before him on 25.01.2023 with relevant documents to substantiate their contentions, challenging the same, the present writ petition has been filed.

3. Heard Mr.N.A.Nissar Ahmed, learned counsel appearing for the petitioner who would submit that, sometime in 2020 the very same



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Registration Department by the orders of the Inspector General of

Registration relegated the parties to go before the Civil Court, when that being the position, now the 1st respondent since has entertained the complaint given by the 2nd respondent against the petitioner pertaining to the documents in question, that should not have been entertained as the parties since already been relegated to go before the Civil Court, hence the learned counsel for the petitioner seeks indulgence of this Court against the impugned summon.

4. Heard Mr.R.P.Muruganraja, learned Government Advocate appearing for the respondents 1 and 3 and in view of the order going to be passed in this writ petition, notice to the 2nd respondent is dispensed with.

5. The learned Government Advocate appearing for the official respondents would submit that, after 16.08.2022 since amendment has been made in the Registration Act, under which, Sections 22-A, 22-B, 77-A and 77-B since have been inserted in the Registration Act, based on which power is vested with the District Registrar under Section 77-A of the Act to entertain such kind of complaints given by the aggrieved party



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against any documents already been registered on the ground that, it is fraudulent or bogus documents, such kind of complaints can be entertained and decided after conducting enquiry. Therefore, now having entertained such complaint submitted by the 2nd respondent, the 1st respondent since has issued the summons to the parties including the petitioner, the same has now been challenged by the petitioner which cannot be taken into account, therefore the learned Government Advocate seeks dismissal of this writ petition.

6. I am in full agreement with the said submissions made by the learned Government Advocate appearing for the official respondents. As has been rightly stated by him, the power now is vested with the 1st respondent District Registrar to entertain such an application or complaint given by any aggrieved party for cancelling of the document already been registered within the meaning of Section 77-A of the Act and whatever the earlier decision taken by the Inspector General of Registration prior to the amendment cannot over ride the power already been vested in the 1st respondent by virtue of the amendment which has come into effect with effect from 16.08.2022. Therefore this Court has no hesitation to hold that, the challenge made against the impugned summon



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cannot be countenanced, accordingly this Writ Petition fails, hence it is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.01.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

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R.SURESH KUMAR, J.

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