



W.A.No.155 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.155 of 2023

Bharathi Vadlamudi

Vs.

.. Appellant

1. The District Registrar
Kancheepuram District
Kancheepuram.
2. The Sub Registrar
Sriperumbudur Taluk
Sriperumbudur
Kanchipuram District.
3. R.Chandrasekaran
4. M/s. Mannur Properties Private Limited
No.13, Raghaveera Avenue
Poes Garden, Chennai 600 086.
5. M/s. Neela Avenues Private Limited
Plot No.32, Sagar Society Road
Road No.2, Banjara Hills
Hyderabad 500 034.



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6. Chellan

7. R.Babu

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 07.11.2022 made in W.P.No.26169 of 2022.

For the Appellant : Mr.J.Pothiraj

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for Respondents 1 & 2

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.J.Pothiraj, learned counsel for the appellant and Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 and 2.

2. The present appellant has filed a writ petition seeking directions against the respondents 1 and 2 to take appropriate action on the appellant's complaint dated 24.08.2022 by invoking proceedings under Sections 68(2) and 69 of the Registration Act.



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The learned Single Judge disposed of the writ petition giving liberty to the appellant to ventilate her grievance in the suit.

3. Learned counsel for the appellant submits that the learned Single Judge ought to have considered that the registering authority has powers under Sections 68(2) and 69 of the Registration Act to make enquiry with regard to the nature of the transaction and if he comes to the conclusion that the transaction is fraudulent, can cancel the document.

4. According to the appellant, her land was sold by the power of attorney holder of the original owner. Thereafter, the original owner has sold the property to the other party. The said transaction is a fraudulent transaction. Learned counsel relies upon the order of the learned Single Judge dated 26.07.2021 in W.P.No.15444 of 2021 and another order dated 26.08.2021 in W.P.No.16150 of 2019.

5. The ground on which the appellant seeks transaction to be



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set aside and/or the documents to be de-registered is fraud by the original owner.

6. Fraud will have to be specifically proved. Evidence will have to be led to prove the fraud and thereby the ingredients of Section 17 of the Contract Act and Section 55 of the Transfer Property Act will have to be satisfied. Even in a complaint, where the transaction is sought to be declared as void on the ground of fraud, specific pleading of fraud is required to be incorporated and evidence is also required to be led. The enquiry before the registering authority would be a summary enquiry.

7. In the light of that, we do not find any error committed by the learned Single Judge in passing the impugned order.

8. In W.P.No.15444 of 2021, the learned Single Judge observing that since the matter is pending before the first respondent therein and that the writ petitioner had also made a



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complaint to the Inspector General of Registration, directed the first respondent therein to decide the writ petitioner's complaint.

9. In W.P.No.16150 of 2019, learned Government Advocate had made a statement that under communication to the District Registrar, the Head of the Additional Inspector General of Registration directed to take action. So also, there was a civil suit filed by the husband of the writ petitioner for partition, declaration and other reliefs and a memo of compromise was executed amongst them. The learned Single Judge proceeded to pass the order in view of the statement made by learned Government Advocate that the Additional Inspector General of Registration has already directed the second respondent therein to take action.

10. In the present case, there are various transactions entered into even after the initial sale transaction by the power of attorney holder and the original owner. The matter would be more effectively decided by the civil Court. The view taken by the learned



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Single Judge is a plausible view.

11. In view of that, the appeal stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

16.10.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

1. The District Registrar
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