



W.P.No.22671 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.22671 of 2015

and

M.P.No.1 of 2015

N.K.Jinnah

... Petitioner

Vs.

1.The Sub Registrar,
Thiruvallur Sub Registration District,
Thiruvallur.

2.Ravichandran,

3.Inspector General for Registrations,
Santhome High Road,
Santhome,
Chennai-600 004.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st respondent to cancel the transactions of the 2nd respondent reflecting in the encumbrance certificate post 21.12.2009 and directing the 1st respondent not to register any transactions in future where the petitioner is not a party to such transactions of the schedule property at Thiruvalur District, N.74, Periyakuppam Gramam, Patta No.325 in Survey No.576 to an extent of 1 acre 50 cent.



W.P.No.22671 of 2015

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For Petitioner : Ms.S.Sivaraman
For Respondents :
(for R1 & R3) : Mr.D.Ravichander, Spl.G.P.
(for R2) : Not ready in Notice.

ORDER

The relief sought in the present writ petition is to direct the first respondent to cancel the transactions of the second respondent reflecting in the encumbrance certificate post 21.12.2009 and direct the 1st respondent not to register any transaction in future.

2.The petitioner states that a sale deed was registered on 21.12.2009, in favour of him, by utilising the power of Attorney. The grievance of the writ petitioner is that an encumbrance made including the sale agreements are bad in law. The registering authority registered the document contrary to the principles of the Act and therefore, the petitioner has chosen to send a representation to make necessary alternations in the encumbrance certificate. The registering authority replied by stating that the petitioner has to approach the competent Court of law since the document was presented in a prescribed format and the stamp duty was paid. Thus, the petitioner has chosen to file the present writ petition.



W.P.No.22671 of 2015

3.Rule 55 of the Registration Rules enumerates that “It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on certain limited grounds which all are enumerated under the rules.”

4.Even in case the document is found to be forged subsequently after registration, the parties are to be relegated to the Civil Court since the registering authority has no power to adjudicate the title or ownership or other disputed facts between the parties.

5.In the present case, the document was presented in consonance with the provisions of the Registration Act and Rules and therefore, the registering authority registered the same. Presuming that some, misrepresentation, fraud or otherwise has been committed, the parties aggrieved are at liberty to approach the competent Civil Court of law for the purpose of declaring the document as null and void and for any other consequential relief. This being the legal position to be followed, the



W.P.No.22671 of 2015

present writ petition is misconceived and the petitioner is at liberty to approach the competent Civil Court of law for the purpose of redressal of his grievances.

6.Accordingly, the writ petition stands **disposed of**. No costs.

Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

08.06.2023

To

- 1.The Sub Registrar,
Thiruvallur Sub Registration District,
Thiruvallur.
- 2.Inspector General for Registrations,
Santhome High Road,
Santhome,
Chennai-600 004.



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W.P.No.22671 of 2015

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.22671 of 2015

08.06.2023