



W.P.No.31085 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31085 of 2015 and
M.P.No.1 of 2015

Anuradha Ravi

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. By the Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

2.The Sub Registrar,
Kundrathur, Chennai – 600 069.

3.K.S.Gopalakrishnan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to strictly adhere to the circular dated 08.11.2013 bearing No.18223/C1/2013-3 issued by the Inspector General of Registration Department and forbearing the second respondent from admitting any documents for registration with respect to the petitioner's property situated at Survey No.10/3A, Porur Village, Thiruvallur District, Ambattur Taluk measuring 40.59 cents other than the petitioner.



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For Petitioner : Mr.K.Elangoo
For M/s.Kriish Law Associates

For Respondents : Mr.T.Arunkumar
Additional Government Pleader
for R1 & R2

: Not ready in notice for R3

ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent to adhere to the circular dated 08.11.2013 issued by the Inspector General of Registration and forbear the 2nd respondent from admitting any documents for registration.

2. General relief as such sought for to forbear the registering authority to register any document cannot be granted. Documents presented by complying with the provisions of the Registration Act is to be admitted and registered by following the procedures as contemplated. As far as the circular issued by the Inspector General of Registration is concerned, if *prima facie* forgery or impersonation has been noticed, then the Registrar is empowered to refuse the document for registration. At the outset, if no *prima facie* case for cancellation of document is made out for any person,



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then the Registrar is empowered to cancel the same on the ground of fraud or impersonation. However, if there is any dispute arising in respect of the title or otherwise, then the parties are to be relegated to the Civil Court of law for the purpose of adjudication of issues. The registering authority or the District Registrar are not empowered to adjudicate the disputed issues in a summary proceedings and all such disputes are to be adjudicated elaborately with reference to documents and evidences available on record including oral evidences. That being the scope of the powers conferred under the Registration Act to the registering authority / District Registrar, the authorities are not expected to exceed their powers by adjudicating the title disputes for the purpose of verifying the documents registered under the Registration Act. Thus, this Court is of the considered opinion that the parties have to approach the Civil Court.

3. In the present case, it is brought to the notice that the 3rd respondent had already instituted a suit which was dismissed for default. Under these circumstances, the parties are at liberty to workout their remedy by approaching the competent Civil Court of law and only after reaching



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finality in the civil dispute, they are at liberty to approach the registering authority for appropriate remedy under the provisions of the Registration Act.

4. With this liberty, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

Sgl

To

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S.M.SUBRAMANIAM, J.

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