



W.P.No.7732 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.7732 of 2012

Babu

... Petitioner

versus

1.C.G.Pudumai (deceased)

2.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

3.The District Registrar,
District Registration Office,
Fort,
Vellore – 632 004.

4.The Sub Registrar,
Gudiyatham,
Vellore District.

5.Geetha

6.Lavanya

7.Jeeva

8.Aravind

... Respondents

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[Respondents 5 to 8 are substituted as LR's of the deceased
R1 C.G.Pudumai as per the order of this Court dated 22.01.2018
in W.M.P.No.38032 of 2017 in W.P.No.7732 of 2012]

Writ Petition filed under Article 226 of Constitution of India, to issue
a Writ of Certiorari calling for the records relating to the proceedings in
Na.Ka.No.8004/aa1/2011 dated 14.3.2012 on the file of the third
respondent and quash the same.

For Petitioner : Mr.T.Dhanyakumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R2 to R4
R1- Deceased

ORDER

This writ petition has been filed to quash the proceedings
in Na.Ka.No.8004/aa1/2011 dated 14.3.2012 on the file of the third
respondent.

2.1 According to the petitioner, one Chinnappa Gounder was the
absolute owner of the property in S.Nos.37/1, 37/4, 40/4 and 40/5
measuring an extent of 1.13, 0.82, 0.82 and 0.14 acres in Seevoor Village,



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Gudiyatham Taluk, Vellore District. The said Chinnappa Gounder has one daughter and four sons viz., i) Kannammal, ii) Budda Gounder, iii) Govinda Gounder, iv) Venu Gounder; and v) Chinnaraju Gounder. In respect of the aforesaid properties, Venu Gounder and Chinnaraju Gounder executed a Release Deed dated 21.03.1975 vide Doc.No.1221 of 1975 in favour of Budda Gounder. The other sons of Chinnappa Gounder were allotted with other properties by way of Will and Sale Deeds. Based on the said Release Deed, Budda Gounder enjoyed the entire properties as the absolute owner till his death. After the death of Budda Gounder, the petitioner herein and his brothers, who are the legal heirs of the deceased Budda Gounder are enjoying the subject properties as the absolute owners.

2.2 While so, the first respondent, who is one of the legal heirs of the deceased Govinda Gounder had given a complaint to the Registration Authorities regarding the Release Deed executed in the year 1975. As the first respondent and his father got other properties under the Will, Sale Deed and Release Deed, they have no right or title over the subject properties. Due to enmity between the petitioner and the deceased first respondent, the



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first respondent gave a false complaint. Based on the complaint, the third respondent issued notice dated 20.02.2012 to the parties for enquiry on 27.2.2012 and passed the impugned order dated 14.03.2021 stating that the Document No.1221 of 1975 is invalid and directed the fourth respondent to make necessary corrections in the entry and also give police complaint. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner submitted that the third respondent has no jurisdiction to pass the impugned order. The third respondent ought to have referred the parties to approach the Civil Court as the dispute between the parties is civil in nature, but passed the impugned order which is *per se* illegal and against law.

4. The learned Special Government Pleader for the respondents 2 to 4 fairly submitted that based on the Circular No.67/2011 issued by the Inspector General of Registration, Tamil Nadu, the third respondent passed the impugned order. Subsequently, the Government of Tamil Nadu has issued the Circular dated 20.10.2017, wherein Circular No.67/2011 dated



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03.11.2011 has been withdrawn by the Government and annulment orders have been passed and Circular No.67/2011 was re-called on 06.07.2018.

Therefore, the third respondent has no authority to pass the impugned order.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that the deceased first respondent is also entitled to the subject properties and based on the Release Deed, the petitioner cannot claim absolute right over the properties. During the pendency of the writ petition the first respondent died and his legal heirs are impleaded as respondents 5 to 8. The third respondent passed the impugned order based on the Circular No.67/2011, subsequently, the said Circular was withdrawn by the Government of Tamil Nadu on 20.10.2017 and annulment orders passed and Circular No.67/2011 was re-called on 06.07.2018. Therefore, in view of the subsequent Government Order, the impugned order passed by the third respondent is liable to be set aside.



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7. Considering the facts and circumstances, this Court is of the opinion that based on the subsequent developments in the Government Order, the impugned order dated 14.3.2012 passed by the third respondent is liable to be set aside. In respect of the right and title over the subject properties, the petitioner is at liberty to work out his remedy before the Civil Court. However, the petitioner is not entitled to claim title over the subject properties based on the Release deed in favour of Budda Gounder, as it is legally not valid.

8. With the above observation, this Writ petition is allowed by setting aside the impugned order dated 14.3.2012. There shall be no order as to costs.

20.10.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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P.VELMURUGAN, J.

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