



WEB COPY

W.P.No.7944 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7944 of 2023 &
W.M.P.No.8193 of 2023

C.Raju @ Arumugam

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.

2.The Deputy Inspector General of Registration,
6/1 GRD Road,
Red Fields, Coimbatore -641 018.

3.The District Registrar (Administration),
Collector Office Compound,
State Bank Road, Coimbatore – 641 018.

4.The Sub Registrar,
Ganapathy Sub Registration Office,
12/1, Maniyakaranpalayam Road,
Ganapathy, Coimbatore – 641 006.

5.V.Rajaram

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the third respondent vide



W.P.No.7944 of

Na.Ka.No.14616/E2/2022 dated 17.02.2023 relating to Cancellation of Document Nos.4365/2005, 4410/2005, 4563/2005, 4050/2006, 4441/2009, 565/2008, 3035/2008, 1035/2008, 2222/2008, 2288/2009, 2289/2009, 2290/2009, 3532/2011, 6974/2011 & 5267/2014 registered before Ganapathy Sub Registration Office, Coimbatore Registration District by exceeding jurisdiction, and to quash the same as it is arbitrary and illegal.

For Petitioner : Mr.N.R.Elango, Senior Counsel
for Mr.G.R.Deepak

For Respondents 1 to 4 : Mr.D.Ravichander,
Special Government Pleader

For Respondent 5 : Mr.V.Raghavachari, Senior Counsel,
for Mr.Meiyappan Mohan

ORDER

The order dated 17.02.2023 issued by the District Registrar, Coimbatore under section 77A of the Registration Act is under challenge in the present writ petition.

2. The District Registrar conducted a summary proceeding by affording an opportunity to the complainant and the other parties and declared that the subject documents involved in the complaint are cancelled. Further direction was issued to initiate action under sections 82 & 83 of the Registration Act. Challenging the said order passed by the District Registrar,



admittedly the petitioner preferred an appeal under section 77B of the Registration Act. The Appellate authority is yet to conduct an enquiry by hearing the parties.

3. The learned Senior Counsel appearing on behalf of the petitioner made a submission that it is suffice if a direction is issued to the appellate authority to dispose of the appeal.

4. It is needless to state that the scope of section 77A is to be understood with reference to the context of the provisions of the Registration Act and in the event of any civil dispute, the parties are to be relegated to the civil court of law. If there is a fraud or impersonation apparent on the face of the record with reference to sections 32 to 35 or the provisions of the Registration Act, then the District Registrar and the Appellate Authority are empowered to cancel the document.

5. At the outset, the scope of enquiry or investigation under section 77A cannot be expanded so as to determine the civil rights of the parties. The enquiry in the nature of summary proceedings is to be understood in the context of the Act and not beyond its scope.



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6. In view of the fact that the appeal is now pending before the Inspector General of Registration, Chennai, the said authority is directed to conduct the enquiry by affording opportunity to all the parties and pass final orders on merits and in accordance with law as expeditiously as possible. The appeal is to be disposed of by following the circular No.1/2023 issued by the Inspector General of Registration in letter dated 10.06.2023.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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