



W.P.No.9633 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9633 of 2023
and W.M.P.No.9689 of 2023

R.Dhayanithe

...Petitioner

-Vs-

- 1.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
2nd Floor, Govt. Muti-storeyed Buildings,
Race Course Road, Kajamalai Colony,
Trichy – 620 020.
- 3.The District Revenue Officer,
District Revenue Office,
Ariyalur – 621 704.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office,
Ariyalur – 621 704.
- 5.The District Registrar,
Registration Department,
Ariyalur – 621 704.



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6.The District Registrar,
Registration Department,
Perambalur – 621 212.

7.The Sub Registrar,
No.I, Joint Sub Registrar Office,
Ariyalur – 621 704.

8.Mohan

9.Poonkodi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 6th respondent in ந.க.7447/ஆ4/2022 dated 13.12.2022 and quash the same and consequently direct the 6th respondent to cancel the subsequent gift deeds registered by 7th respondent in the name of 8th and 9th respondents based on the representation of the petitioner dated 20.09.2021 within a stipulated time.

For Petitioner	:	Mr.K.Murugesan
For R1 to R7	:	Mr.T.Venkatesh Kumar Special Government Pleader
For R8 & R9	:	Ms.K.Priyavarshini

ORDER

The order passed by the District Registrar under Section 77A of the Registration Act is under challenge in the present writ petition.



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2.The petitioner states that he is the absolute owner of the property described in the present writ petition. The petitioner states that he is in possession and enjoyment of the property and obtained patta in his name. The respondents 8 and 9 dealt with the property belonging to the petitioner and executed a document in a fraudulent manner. The petitioner submitted an application to cancel Document No.1322 of 2003. Based on the complaint, enquiry was conducted by the District Registrar who in turn through summary proceedings afforded opportunity and made a finding that there was an order in G.W.O.P.No.13 of 2004 and there was no reference about Document No.1322 of 2003 sought to be cancelled by the writ petitioner. In the absence of any specific mentioning about the document, the District Registrar was not in a position to form an opinion whether there is any fraud or impersonation or otherwise. The power of the District Registrar under Section 77A of the Registration Act is limited and if at all, there is any fraud or impersonation in the context of the provisions of the Registration Act, then alone the document can be cancelled and regarding any disputed issue between the parties, the authorities has to relegate the



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parties to the Civil Court of law. In the present case, the petitioner states that there was a dispute and civil suits were also instituted.

3.The order impugned itself states that the petitioner has to prefer an appeal before the Deputy Inspector General of Registration. Admittedly, the petitioner has not preferred any appeal and approached this Court. Exhausting an alternative remedy of appeal under the statute is also of paramount importance. However, in the present case the dispute exist between the parties which is civil in nature and thus the petitioner is at liberty to approach the competent Court of law.

4.With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.07.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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S.M.SUBRAMANIAM, J.

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