



WEB COPY



W.P.No.35948 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35948 of 2015

S.Sakthivel

...Petitioner

Vs.

1.The Inspector General of Registration,
Mylapore,
Chennai – 600 028.

2.K.John Bosco Martin,
Sub Registrar,
O/o. Sub Registrar,
Punjai Puliayampati – 638 459,
Sathyamangalam Taluk, Erode District.

3.R.Subramani

4.S.Varshini (Minor)

Rep. By her mother and guardian Malarmani

5.P.Ramamoorthy

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records connected with the order in proceeding No.23327/U1/2015 dated 02.09.2015 of the first respondent and quash the same and consequently, directing the first respondent to cancel the document No.4102 of 2013



W.P.No.35948 of 2015

registered by the second respondent and also initiate appropriate departmental action against the second respondent for dereliction of duty within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran
For Respondent 1 : Mr.D.Ravichandran
Special Government Pleader
For Respondent 2 : No appearance
For Respondents 3 to 5: Mr.I.C.Vasudevan

ORDER

The order dated 02.09.2015 passed by the Inspector General of Registration, rejecting the complaint given by the writ petitioner for initiation of disciplinary action against the Sub Registrar is under challenge in the present writ petition and for further direction sought for is to cancel the document No.4102 of 2013.

2. The petitioner states that he is the joint owner of the property to an extent of 0.67 cents and the respondents 4 and 5 are the co-owners of the other portion of the property. In respect of joint ownership, boundaries cannot be demarcated separately in certain circumstances and therefore, the



W.P.No.35948 of 2015

Registering Authority may not be in a position to refuse the document registered by any one of the Joint owners in respect of his portion of the property or undivided share or otherwise. Respondents 4 and 5 executed a sale deed in respect of the portion of the property belonging to the petitioner. Thus, the petitioner filed a complaint before the authorities for initiation of disciplinary proceedings against the Sub Registrar who failed to verify the joint ownership through the patta produced by the persons concerned.

3. The patta stands in the joint name and without even verifying the patta, the sale deed was executed. In respect of the complaint, the petitioner earlier filed W.P.No.8028/2015 and this Court directed the first respondent to conduct an enquiry. Pursuant to the direction, Inspector General of Registration conducted an enquiry and found that the Sub Registrar had not violated any of the provisions of the Registration Act.

4. Registering authority is incompetent to conduct an enquiry in respect of title or ownership at the time of presenting any document for registration. Taking note of the transactions took place, the Inspector



W.P.No.35948 of 2015

General of Registration found that the Sub Registrar is not responsible for any violations or otherwise and therefore, no disciplinary action can be initiated against him.

5. In this regard, High Court cannot conduct rowing enquiry, since there is no material available on record to establish any such corrupt activities or otherwise for registering the document presented by the respondents 4 and 5. In the absence of any such material on record, the action taken by the authorities are protected under section 86 of the Registration Act. Acts done in good faith by the public officials are protected. It is for the persons raising complaint to establish contrary facts and in the event of non availability of any material, no action can be initiated.

6. Thus, this Court do not find any infirmity in respect of the order impugned passed by the Inspector General of Registration in proceedings dated 02.09.2015. As far as the cancellation of the fraudulent document as raised by the petitioner is concerned, he is at liberty to approach the competent forum in the manner known to law.



W.P.No.35948 of 2015

WEB COPY

7. With these observations, the writ petition stands disposed of. No costs.

13.07.2023

nl

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No



W.P.No.35948 of 2015

To
WEB COPY

1.The Inspector General of Registration,
Mylapore,
Chennai – 600 028.

2.K.John Bosco Martin,
Sub Registrar,
O/o. Sub Registrar,
Punjai Puliayampati – 638 459,
Sathyamangalam Taluk, Erode District.



WEB COPY



W.P.No.35948 of 2015

S.M.SUBRAMANIAM, J.

nl

W.P.No.35948 of 2015

13.07.2023