



W.P.No.9545 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.9545 of 2023

R.Govindarajan

...Petitioner

-Vs-

1.The Deputy Inspector General of
Registration Department,
Integrated Registration Office,
Kumari By-pass Road,
Ammapettai, Salem – 636 014.

2.The District Registrar [Administration],
Office of the District Registrar,
Salai Vinayagar Road,
Dharmapuri Town and Taluk,
Dharmapuri District.

3.The Sub-Registrar,
Joint-II Dharmapuri,
Salai Vinayagar Road
Dharmapuri Town and Taluk,
Dharmapuri District.

4.Pooncholai

5.Lakshmi

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned order of the first respondent in No.1073/E3/2023 dated 21.02.2023 and impugned order of the second respondent in his proceedings in Na.Ka.No.3729/B3/2022 dated 02.01.2023 and quash the same and consequently direct the first respondent to conduct the enquiry on the petitioner's appeal dated 13.02.2023 by providing the opportunity of hearing to the petitioner and the private respondent herein and to cancel the Settlement Deed dated 10.06.2011 in Document No.2231 of 2011 and Sale Deed dated 16.05.2012 in Document No.1831 of 2012.

For Petitioner : Mr.R.Rajeshkrishnan

For R1 to R3 : Mr.T.Venkatesh Kumar
Special Government Pleader

ORDER

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

2.The petitioner states that he is the absolute owner of the property described in the present writ petition and in possession and enjoyment of the same. The revenue records were mutated in the name of the petitioner and



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therefore the documents registered at the instance of the respondents 4 and 5 are fraudulent. In this regard, the petitioner submitted a complaint before the District Registrar to cancel the document. The District Registrar during the enquiry found that there is a title dispute between the petitioner and the respondents 4 and 5. There is a discrepancy in the UDR Patta and the dispute raised by the petitioner is relating to title. Thus the District Registrar formed an opinion that he cannot resolve the issue regarding title and consequently relegated the parties to approach the Civil Court of law.

3.The powers of the District Registrar under Section 77A of the Registration Act cannot be expanded for the purpose of adjudication of civil dispute between the parties. Fraud or impersonation within the ambit of Registration Act alone can be dealt with and more specifically, if there is any procedural frauds or otherwise. If there is any fraud or impersonation within the provisions of Sections 32 to 35, 36 and 39 of the Registration Act is identified, that document alone can be cancelled and in respect of other disputes, the parties are to be relegated to the Civil Court of law.



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4. In the present case, the District Registrar found that there is a title dispute. High Court cannot conduct a roving enquiry in respect of such dispute between the parties and thus, the petitioner is at liberty to approach the competent civil court of law for redressing his grievances.

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

17.07.2023

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
cse



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To

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S.M.SUBRAMANIAM, J.

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