



WEB COPY



W.P.No.8198 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8198 of 2015

S.Jayapriya

... Petitioner

Vs

1.The Inspector General of Registrations
Tamil Nadu Registration Department,
Government of Tamil Nadu,
Santhome High Road, Chennai.

2.The District Registrar (Administration),
District Registrar Office,
Rajaji Street, Chengalpet – 603 001.

3.Saraswathi

4.Malarselvi

... Respondents

[R3 & R4 impleaded as per order
dated 31.03.2015 in MP.No.1 of 2015]

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus directing the District Registrar
(Administration), Chengalpet, the 2nd respondent herein to cancel the
Release Deed No.2815/2012 dated 29.12.2011.

For Petitioner : No appearance

For Respondents : Mr.N.Naveenkumar
Government Advocate for R1 & R2
: Mr.P.Vasanth for R3 & R4



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ORDER

The writ of mandamus has been filed to cancel the release deed No.2815 of 2012 dated 29.12.2011. The 3rd respondent registered a release deed dated 29.12.2011 in favour of the 4th respondent vide Document No.2815 of 2012.

2. The petitioner raised certain objections for registering the release deed and thereafter filed an application before the District Registrar (Administration) for cancellation of the release deed.

3. The 2nd respondent District Registrar filed a counter stating that the 2nd respondent had already passed an order in Letter No.306/A1/2015 January 2015 directing the petitioner to redress his grievances by approaching the Court of law. The complaint of the petitioner do not fall under the purview of Circular No.67/2011 dated 03.01.2011 and the dispute between the parties are regarding the ownership of the property. Under Section 81 to 83 of the Registration Act, the authorities are empowered to initiate action only if there is impersonation or forgery and in the present case, there is no such impersonation or forgery, the title dispute exist



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between the parties and therefore, the parties were relegated to approach the competent Civil Court of law for the purpose of establishing their right. The decision taken by the 2nd respondent is inconsonance with the provisions of the Registration Act and this Court do not find any infirmity, the Registering Authority is empowered to take an enquiry and cancel the registered document only if any forgery or impersonation is established and not otherwise. Thus, the writ petitioner is at liberty to approach the competent Civil Court of law for the purpose of establishing her right. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

06.06.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

1.The Inspector General of Registrations
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S.M.SUBRAMANIAM, J.

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