



WEB COPY

W.P.No.10989



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10989 of 2023

and

W.M.P.Nos.10877 and 10878 of 2023

A.Vinoth

... Petitioner

Vs.

- 1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General,
Department of Registration,
No.50, Sankara Naidu Street,
Thirupapuliyur,
Cuddalore – 607 002.
- 3.The District Registrar (Administration),
Office of the District Registrar,
Kallakurichi.
- 4.The Sub-Registrar,
Office of the Sub-Registrar, Thiyagadurugam,
Kallakurichi Main Road,
Thiyagadurgam,
Kallakurichi – 606 206.



5.The Revenue Divisional Officer,
R.D.O Office,
Kallakurichi,
Kallakurichi District.

6.The Tahsildar,
O/o the Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.

7.Village Administrative Officer,
Village Administration Office,
Prithivimangalam / Periyampattu Village,
Kallakurichi District.

8.Dharuman

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order issued by the 2nd respondent in Na.Ka.No.2373/F/2022, dated 02.01.2023 and quash the same as illegal and consequently direct the 3rd respondent to consider the representation dated 20.02.2023 given by the petitioner.

For Petitioner	: Mr.A.P.Balaji
For R1 to R7	: Mr.C.Jayaprakash, Government Advocate
For R8	: Mr.V.Manohar for Mr.T.Balachandren

ORDER

The order impugned dated 02.01.2023 passed by the Deputy Inspector General of registration cancelling the document of the year 2012, 2020 and 2021 on the ground of forgery is under challenge in the present Writ Petition.



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2. The writ petitioner states that he is the absolute owner of the property described in the present Writ Petition. The 8th respondent has also claimed title over the property and had filed a complaint to cancel the document before the District Registrar, who in turn had passed an order, rejecting the complaint filed by the 8th respondent in proceedings dated 31.01.2022. Challenging the said order, the 8th respondent has preferred an appeal before the Deputy Inspector General of registration, Cuddalore. The appellate authority allowed the appeal by cancelling the Document Nos.673 of 2012, 4071 of 2020 and 406 of 2021 and has made an observation that the civil rights between the parties are to be crystallised by approaching the Civil Court of law.

3. The Appellate authority formed an opinion that the title dispute exists between the petitioner and the 8th respondent is a civil dispute and relegated the parties to approach the competent Civil Court of law. Therefore, there is no reason to cancel the document registered. More so, the initial complaint before the District Registrar was filed by the 8th respondent under Circular No.67 of 2011 and the said circular had been withdrawn by the Inspector General of registration subsequently. Thus, the order of the District Registrar itself is



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untenable since the Circular No.67 of 2011 was withdrawn. More so the District Registrar has relegated the parties to approach the Civil Court of law.

In the appeal, the Deputy Inspector General has cancelled the document and simultaneously he has relegated the parties to approach the Civil Court.

4. In view of the said directions and taking into consideration that the appellate authority had passed an order before amendment i.e., insertion of Section 77-A and 77-B of the Act, the order cannot be sustained.

5. The parties are at liberty to establish their civil rights before the competent Civil Court of law. As the Suit instituted in O.S.No.27 of 2021 on the file of the Principal District Munsif Court, Dindivanam is pending, both the parties cannot take any undue advantage of the orders passed by the District Registrar or by the Deputy Inspector General of registration but they can rely on the documents under Section 35 of the Evidence Act and they are at liberty to establish their rights independently based on the documents and evidences available on record.



6. With these observations, the Writ Petition stands allowed.

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Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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