



WEB COPY

WP No.13975 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.13975 of 2023

M.Kumaran

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai-600 028.

2.The District Registrar (Administration),
Thiruvannamalai,
Thiruvannamalai District.

3.The Joint Sub Registrar-II,
Office of the Joint Sub Registrar-II,
Thiruvannamalai,
Thiruvannamalai District-604 001.

4.M.Thirumoorthy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings passed by the third respondent in



letter No.270/2023 dated 11.04.2023 and quash the same as illegal and consequentially direct the third respondent to register the pending termination of pathway contract deed dated 10.04.2023.

For Petitioner : Mr.V.Thiyagarajan

For Respondents-1 to 3 : Mr.D.Ravichander,
Special Government Pleader.

ORDER

The order of rejection dated 11.04.2023 issued by the third respondent-Joint Sub Registrar-II, Thiruvannamalai refusing to register the cancellation document presented by the writ petitioner, is under challenge in the present writ petition.

2. The grievance of the writ petitioner is that Deed of Contract presented by the writ petitioner was not registered by the third respondent. However, the order impugned reveals that the original Contract Deed was executed by the writ petitioner-Thiru M.Kumaran and the fourth respondent-M.Thirumoorthy jointly. While-so, the cancellation document was presented only by the writ petitioner without the consent of the other party, namely, the fourth respondent-Thiru M.Thirumoorthy.



3. Once the document has been jointly registered by two persons, namely the writ petitioner Thiru M.Kumaran and the fourth respondent-Thiru M.Thirumoorthy, the unilateral cancellation by one person is impermissible and in the event of any dispute between the parties, they have to approach the Competent Civil Court of Law for the purpose of resolving the dispute. Contrarily, the registration cannot entertain in such disputed documents.

4. Therefore, this Court do not find any infirmity in respect of the reasons furnished in the impugned order. That apart, the appeal is contemplated under Section 72 of the Registration Act, which is to be preferred before the Inspector General of Registration.

5. In case, the Inspector General of Registration also rejected the appeal, the party aggrieved has to approach the Competent Civil Court of Law for the purpose of adjudication under Section 77 of the Registration Act.



6. This being the Scheme of Registration Act, the writ against the order impugned now passed by the third respondent-Joint Sub Registrar-II, is not entertainable.

7. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs.

01-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To



1.The Inspector General of Registration,
Santhome High Road,
Chennai-600 028.

2.The District Registrar (Administration),
Thiruvannamalai,
Thiruvannamalai District.

3.The Joint Sub Registrar-II,
Office of the Joint Sub Registrar-II,
Thiruvannamalai,
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S.M.SUBRAMANIAM, J.

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