



WEB COPY

W.P.No.17796 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17796 of 2023

D.Chitra

... Petitioner

Vs.

- 1.The Inspector General of Registration
O/o. The Inspector General of Registration
Santhome High Road
Mylapore
Chennai – 600 005.
- 2.The Deputy Inspector General of Registration
O/o. The Deputy Inspector General of Registration
No.50, Sankara Naidu Street
Thiruppathiripuliyur
Cuddalore – 607 002.
- 3.The District Registrar
O/o. The District Registrar
Combined Registration Office
Katcheri Road, Kallakurichi – 606 202.
- 4.Mr.A.Venkatesan
- 5.N.Gunasundari

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to consider and pass orders in my representation dated 18.02.2023, as per the proceedings of the 2nd respondent in No. 915/Aa/2023 dated 20.02.2023, within a stipulated time and after affording due opportunity of hearing to all the parties concerned.

For Petitioner : Mr.R.Gopinath

For R1 to R3 : Mr.D.Ravichander
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the 3rd respondent to consider and pass orders on the representation dated 18.02.2023 submitted by the petitioner, as per the proceedings of the 2nd respondent dated 20.02.2023, within a stipulated time and by affording an opportunity to all the parties concerned.

2. The petitioner states that the husband of the writ petitioner purchased the subject property and in respect of the said property the dispute pertaining to the Will was executed by Mrs.Mookayee. The representation submitted by the writ petitioner reveals that the dispute between the parties touching the



civil rights are involved. That apart, a civil suit is also pending on the file of the III Additional District and Sessions Court, Kallakurichi in O.S.No.230 of 2022.

3. When the civil suit between the parties are pending, the District Registrar cannot conduct an enquiry. That apart, the scope of the summary proceedings contemplated under the provisions of the Registration Act is limited and the District Registrar cannot conduct a roving enquiry involving disputed facts regarding title between the parties. If at all fraud or impersonation has been established within the ambit of Sections 32 to 35 of the Registration Act, the District Registrar is empowered to conduct summary proceedings for cancellation of document under Section 77-A of the Registration Act.

4. Thus, a distinction is to be drawn with reference the powers conferred under the Registration Act to be exercised by the District Registrar. In excessive use of powers would result in causing prejudice to either of the parties and more so, the Registrars cannot usurp the power of the Civil Court in the matter of adjudication of civil rights.



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5. In the present case, civil dispute exists between the parties and a civil suit is also pending. That being the factum, the petitioner has to approach the Civil Court for the purpose of redressal of her grievances in the manner known to law.

6. With these observations, this Writ Petition stands disposed of. No costs.

28.06.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The Inspector General of Registration
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Chennai – 600 005.
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O/o. The Deputy Inspector General of Registration
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3.The District Registrar

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S.M.SUBRAMANIAM, J.

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