



W.P.No.24809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24809 of 2023

Anbuganapathy

...Petitioner

-Vs-

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
Chennai Zone,
Nandhanam,
Chennai - 600 035.
- 3.The District Registrar,
Shop No.9, West Jones Road,
Saidapet, Chennai - 600 015.
- 4.The Sub-Registrar,
7th Main Road, New Colony,
Chrompet, Zameen Pallavaram,
Chennai - 600 043.
- 5.Vijayalakshmi



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6.Meenakshi

7.Subramani

8.Dinesh Kumar

9.S.Prakash Kumar

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 2nd Respondent in Ref.No.2253/Aal/2021 dated 09.08.2021 confirming the order of the 3rd Respondent in Ref.Na.Ka.No.10126/E2/2020 dated 08.02.2020 and quash the same.

For Petitioner : Mr.K.Anandharaja
for M/s.Murali Law Firm

For R1 to R4 : Mr.T.Venkatesh Kumar
Special Government Pleader

ORDER

The writ petition on hand has been instituted to quash the order passed by the third respondent, the District Registrar, which was confirmed by the second respondent Appellate Authority in proceeding dated 09.08.2021.



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2. The petitioner filed a complaint under Section 77-A of the Registration Act (hereinafter referred to as 'the Act;') to cancel the document registered in the year 2003. The District Registrar passed an order in proceedings dated 08.02.2020 after conducting summary proceedings stating that the allegations raised by the petitioner in the complaint are to be adjudicated before the competent Civil Court of law. Since the complaint filed by the petitioner is relating to title, the District Registrar is not empowered to adjudicate the issues. The petitioner preferred an appeal before the second respondent, who in turn, confirmed the order passed by the District Registrar by stating that the petitioner's complaint is not entertainable, since the allegations are relating to the title of the subject property.

3. The power conferred under Section 77-A of the Act cannot be extended for the purpose of adjudicating a dispute of civil nature. Title and ownership cannot be adjudicated nor a finding can be given by the District Registrar or the Appellate Authority under Section 77-A or Section 77-B of the Act. If the registration is found to be fraudulent or by impersonation in



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violation of the provisions of the Registration Act, then alone the documents can be cancelled. Even then, the power under Section 77-A cannot be exercised to cancel the documents, which were registered prior to the amendment and insertion of Section 77-A, i.e. on 16.08.2022. There is no retrospective application of the said amendment for the purpose of cancelling the documents which were registered long before. Prior to the amendment, no power was conferred to cancel the documents and therefore, the petitioner has to approach the Civil Court of law for the purpose of declaring the document as null and void or for any other relief.

4. In the present case, the petitioner filed the complaint to cancel the documents which were registered in the year 2003. The complaint itself was filed after a lapse of many years. The District Registrar found that the dispute is of civil nature and therefore, he cannot cancel the documents. The said order was confirmed by the Appellate Authority.

5. This being the factum, the petitioner is at liberty to approach the competent Civil Court of law for the purpose of redressal of his grievances



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in the manner known to law. With these observations, the Writ Petition stands dismissed. No costs.

23.08.2023

Index:Yes

Neutral Citation:Yes/No

Speaking order

rjr/hvk

To

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S.M.SUBRAMANIAM, J.

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