



WEB COPY

W.P.No.19278 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19278 of 2023

Mr.M.Z.Mohamed Ansar

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Saidapet.

2.The Sub-Registrar,
Office of Sub-Registrar,
Alandur.

3.Mr.Prabhu

4.Mr.Kumaravel (a) Kumaran

5.Mrs.Pappambal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st Respondent to consider the petitioner's representation dated 22.02.2023 and pass appropriate orders within a time frame as stipulated by this Court and forbear the 2nd respondent from registering any document in respect of property bearing Door No.48 in Survey No.21/15 at Alandur village in favour of any person till the disposal of the petitioner's representation dated 22.02.2023.



For Petitioner : Mr.Arul Murugan
For R1 & R2 : Mr.E.Sundaram
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to consider the petitioner's representation dated 22.02.2023.

2. The representation / complaint submitted by the writ petitioner on 22.02.2023 to the District Registrar reveals that the petitioner made a complaint that the settlement deed registered vide Document No.897 of 1988 is fraudulent and to be cancelled.

3. Question arises, whether a settlement deed registered in the year 1988 can be cancelled at this length of time by invoking Section 77-A of the Registration Act.

4. The learned counsel for the petitioner states that his father was the original owner of the property and the tenants in the year 1989 has fraudulently registered some documents. Admittedly, the father of the



petitioner is no more. In such circumstances, the District Registrar may not be in a position to adjudicate the disputed facts between the parties. The rights of civil nature cannot be adjudicated by the District Registrar under Section 77-A of the Act.

5. Only if fraud or impersonation has been identified within the scope of Sections 32 to 35, then alone the District Registrar is empowered to cancel the document and in the event of any disputed issues between the parties they are to be relegated to approach the Competent Civil Court of Law for the purpose of redressal of their grievances.

6. Therefore, in such circumstances the petitioner has to approach the Competent Civil Court of Law for the purpose of redressal of his grievances. The scope of the complaint sent by the petitioner do not fall under the ambit of the procedural fraud or impersonation and therefore, the relief as such sought for cannot be granted. Even though, mere issuing a direction to consider the complaint would do no service to the cause of justice, since the petitioner will be back again to this Court by way of another litigation. Thus, this Court is not inclined to consider the relief.



WEB COPY

W.P.No.19278 of



7. Accordingly, this Writ Petition stands dismissed. No costs.

03.07.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The District Registrar,
District Registrar Office,
Saidapet.

2.The Sub-Registrar,
Office of Sub-Registrar,
Alandur.



WEB COPY



W.P.No.19278 of

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.19278 of 2023

03.07.2023