



WEB COPY

WP No.19212 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.19212 of 2023

Elango

... Petitioner

Vs.

1.The District Registrar,
O/o.The District Registrar,
Ranipet District-632 401.

2.The Sub Registrar,
Arcot Sub Registrar Office,
Arcot – 632 503.

3.The Superintendent of Police,
Anti Land Grabbing Wing,
Ranipet District.

4.Ramesh

5.Renugambal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to



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consider the petitioner's representation dated 01.05.2023.

For Petitioner : Mr.G.Anandaraj

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

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 3 to consider the representation submitted by the petitioner on 01.05.2023.

2. Even for issuing direction to consider the representation, the petitioner has to establish his right. In the absence of any such right, no writ would be entertained.

3. In the present case, perusal of the representation submitted by the petitioner reveals that the petitioner seeks cancellation of the document on the ground of fraud. However, the facts and the allegations set out in the complaint are relating to civil rights between the parties. In the event of fraud, per se, with reference to Sections 32 to 35 of the Registration



Act, then alone the District Registrars would be in a position to cancel the documents. Therefore, in common parlance, cancellation of document cannot be adjudicated under the Registration Act and every fraud committed by a person would not fall under the definition of Section 77-A of the Registration Act.

4. In the event of any such fraudulent registration, the aggrieved persons are at liberty to institute the proceedings. They can prosecute the persons under Criminal Law. Then can institute civil rights and to establish the same, cancellation of documents can be done under Section 77-A of the Act. Once certain civil rights are involved, then the District Registrar is not empowered to adjudicate the issues regarding such disputed issues.

5. In the present case, the petitioner is raising a dispute with reference to the civil rights of the parties and therefore, the petitioner has to approach the Competent Civil Court of Law for redressal of his grievances. The District Registrars are incompetent to decide the title, ownership or to resolve the civil dispute between the parties. If any fraud or impersonation on the face of the record within the scope of the provisions of the



Registration Act, then alone they can conduct summary proceedings and cancel the documents. Thus the petitioner is at liberty to approach the Competent Civil Court of Law in the manner known to law.

6. With the above liberty, the writ petition stands disposed of.

However, there shall be no order as to costs.

30-06-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

1.The District Registrar,
O/o.The District Registrar,



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Ranipet District-632 401.

2.The Sub Registrar,
Arcot Sub Registrar Office,
Arcot – 632 503.

3.The Superintendent of Police,
Anti Land Grabbing Wing,
Ranipet District.



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S.M.SUBRAMANIAM, J.

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