



W.P.No.19646 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.19646 of 2023

and

W.M.P.No.18904 of 2023

1. K.A.Ganesan

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai- 600 028.
2. The Deputy Inspector General of Registration,
No.6/1, GRD Road, Kamarajar Road,
Red Fields, Coimbatore- 641 045.
3. The District Registrar,
O/O.District Registrar,
Rangampalayam, Erode District.
4. The Sub Registrar,
Kodumudi Sub Registrar Office,
Kodumudi Taluk, Erode District.
5. R.Leelavathi
6. R.Prabu



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7. Ramalakshmi

8. N.Nevathini

9. N.Praveen

10. P.Jayalakshmi

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the Respondents 3 and 4 to consider the petitioner's notice dated 19.01.2023 and representation dated 29.03.2023 thereby to cancel as null, void, sham, nominal and collusive the Sale Deed dated 16.03.2022 registered as Doc. No.663 of 2022 before the 4th Respondent on the fraudulent methods executed by the Respondents 5 to 9 in favour of 10th Respondent without the Petitioner's consent and knowledge illegally and without any semblance of right and non-est in the eye of law in respect of the Petitioner's Property namely Hectare 3-50.0 Ares or Acres 8.64 ½ cents comprised in Survey No.5 (old survey No.5 and 7) situated in Punjaikollanalli village, kodumudi taluk, Erode District and consequently direct the respondents 3 and 4 to make necessary entries in their records / Encumbrance Certificate in accordance with the law.

For Petitioner : Mr.L.K.Manjunath

For Respondents :
(for R1 to R4) : Mr.D.Ravichander, Spl.G.P.



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ORDER

The writ on hand has been instituted to direct the respondents three and four to consider the petitioner's complaint dated 29.03.2023 to cancel the sale deed dated 16.08.2022, registered in document no.663 of 2022.

2.The petitioner states that he is the absolute owner of the property described in the writ petition. However, the respondents 5 to 10 fraudulently executed a sale deed in respect of the property belonging to the writ petitioner. In order to cancel the said sale deed under Section 77(A) of the Registration Act, the petitioner has submitted a complaint to the District Registrar and the said complaint has not been taken up for enquiry and therefore, the petitioner is constrained to move the present writ petition.

3.Perusal of the complaint dated 29.03.2023 reveals that there is a dispute existing between the parties and the petitioner is raising certain allegations pertaining to his civil rights. The learned counsel for the petitioner also states that the subject property has been exclusively allotted to the petitioner and therefore, the respondents have no right to deal with the property.



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4.Dealing with the property by an improper person is one aspect of the matter and the power conferred on the District Registrar to cancel the registered document under Section 77(A) is to be considered only if there is a fraud or impersonation within the ambit of Sections 32 to 35, 36 and 39 of the Registration Act. If the rights have to be crystallized, then the parties are bound to approach the competent Civil Court of law.

5.The District Registrar is not empowered to adjudicate the civil rights between the parties in a summary proceedings and in the present case, the complaint reveals that the dispute exist between the parties and therefore, the petitioner is at liberty to approach the competent Civil Court for the purpose of redressal of his grievances in the manner known to law.

6.With these observations, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

04.07.2023

To



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S.M.SUBRAMANIAM. J.,

(sha)

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