



WEB COPY

WP No.20220 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.20220 of 2023

And

WMP No.19545 of 2023

Y.Rajanna

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Santhome,
Chennai-600 004.
- 2.The Deputy Inspector General of Registration,
Kumaragiri bypass Road,
Kamaraj Nagar Colony,
Salem-636 014.
- 3.District Registrar,
Registration Department (Admin),
Krishnagiri District.
- 4.Venkatasamy Reddy
- 5.Nanja Reddy



6. The Sub Registrar,
Office of the Sub Registrar,
Hosur,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the order passed by the second respondent No.712/E3/2023 dated 27.06.2023 and the third respondent's confirming order vide Na.Ka.No.2740/OU/2022 dated 03.01.2023 and quash the same and consequently direct the third respondent to remove the entry of fraudulent document of petitioner's property in Survey No.151/3A, situated at Mukkundapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.R.Singaravelan, Senior Counsel,
for Mr.R.Ramesh

For Respondents-1 to 3
and 6 : Mr.E.Sundaram,
Government Advocate.

For Respondents-4 and 5 : Mr.P.Subba Reddy

ORDER

The order passed by the second respondent in proceedings dated 27.06.2023 and the consequential order passed by the third



respondent in proceedings dated 03.01.2023, are under challenge in the present writ petition.

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2. The petitioner states that the subject properties situated at Mookandapalli Village, Krishnagiri District to an extent of land measuring 5.26 acres. A complaint was filed before the District Registrar by the contesting respondents to cancel the documents executed by the petitioner.

3. The District Registrar, though not cancelled the documents executed, made a finding that the writ petitioner cannot further alienate the subject properties. While restraining the writ petitioner from alienating the subject properties, the District Registrar and the Appellate Authority permitted the contesting respondents to transfer the properties at their choice. Thus, the petitioner is constrained to move the present writ petition.

4. The learned Senior Counsel, appearing on behalf of the writ petitioner, mainly contended that allowing the respondents to transfer the properties would cause prejudice to the rights of the writ petitioner and the civil disputes between the parties are pending in OS No.411 of 2017 and in



OS No.3 of 2020. Both the parties have instituted the civil suit for the purpose of establishing their rights.

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5. That being the factum, the order passed by the District Registrar and the Appellate Authority would cause prejudice to the rights of the writ petitioner, since the contesting respondents may further alienate the properties based on the impugned orders passed by the District Registrar and the Appellate Authority.

6. This Court cannot conduct a roving enquiry with reference to the title dispute raised between the parties. The civil suits are pending. Therefore, the parties are at liberty to establish their civil rights based on the documents and evidences available on record in an independent manner.

7. The impugned orders are contemporary in nature, more specifically, passed under the Registration Act. Such orders would not cause any prejudice to the civil rights of the parties, which are now sub judiced before the Competent Civil Court of Law.



8. That being the factum, the impugned orders passed by the second respondent in proceedings No.712/E3/2023 dated 27.06.2023 and the impugned order of the third respondent confirming the order of the second respondent passed in proceedings Na.Ka.No.2470/OU/2022 dated 03.01.2023, are kept in abeyance.

9. The parties are at liberty to establish their respective civil rights before the Competent Civil Court of Law and after disposal of the civil suit either of the parties may approach the Authorities for restoration of the order or for any other changes, as the case may be, whichever is required.

10. With the above clarifications, the present writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

27-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

S.M.SUBRAMANIAM, J.



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