



W.P.No.23545 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

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

W.P.No.23545 of 2023

C. Dhanasekaran

.. Petitioner

Versus

1.The District Registrar Administration,
Tirupathur Taluk,
Tirupathur District.

2.The Sub Registrar,
Natrampalli,
Tirupathur District.

3.Mr.Desingar

4.Mr.Thangaraj

5.Mrs.Suguna

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
for issuance of writ of Mandamus, to forbear the 2nd Respondent to receive



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any Deed of sale in respect of the property situated at Survey No.289/1B Pachoor Village Natrampalli Taluk, Tiruppatur district till completion of enquiry based on the representation dated 06.03.2023 u/s 77-A of the Registration Act, 1908.

For Petitioner : Mr.J.Deliban
For R1 & R2 : Mr.G.Krishnaraja
Additional Government Pleader.

ORDER

The relief sought for in the present Writ Petition is to forbear the second respondent to receive any Deed of sale in respect of property situated at Survey No.289/1B, Pachoor Village, Natrampalli Taluk, Tiruppatur District till completion of enquiry based on the representation dated 06.03.2023 u/s 77-A of the Registration Act [hereinafter referred to as 'the Act']

2.Perusal of the representation submitted by the writ petitioner on 06.03.2023 reveals that the petitioner has submitted an objection to the Sub-



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Registrar that no document to be registered with respect to the subject property. The objections submitted by the private persons cannot be taken into consideration for the purpose of refusal of registration under the provisions of Registration Act. If at all a person is aggrieved from and out of an action taken by any person, he has to approach the competent civil court of law for the purpose of securing orders. Only if an order of court of law is produced, the Registering Authority would be in a position to refuse registration and in all other circumstances, the documents should be registered in accordance with the provisions of the Act. Thus, the objection submitted by the writ petitioner dated 06.03.2023 has no sanctity under the provisions of the Act. Such objection cannot be considered by the Registering Authority and therefore, the Sub-Registrar has returned the document. Once the Registering Authority has no power to entertain such objections, he is bound to return the document. In such circumstances, one cannot expect the registering authority to pass an elaborate order.



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3. In the present case, the learned counsel for the Petitioner states that in the year 1982, a document was registered by impersonating his father one Mr. Chinnathambi. In order to establish his claim the petitioner is relying on the document wherein his father has signed. Section 77-A of the Act has been inserted with effect from 16.08.2022 and the amended provision cannot be exercised for the purpose of cancelling the document of the year 1982 which would result in an anomalous situation since the civil rights accrued by virtue of such registration which was made long back. In such facts and circumstances, the parties have to approach the competent civil court of law for the purpose of establishing their rights. Contrarily, the District Registrar cannot conduct an adjudication to decide the civil dispute between the parties. Even a fraud in common parlance is not entertainable under Section 77A of the Act. The fraud or impersonation in the context of Sections 32 to 35 of the Act alone is entertainable under Section 77A of the Act. Thus the petitioner is at liberty to approach the competent Civil Court of law for the purpose of redressal of his grievance.



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4. With these observations, the writ petition stands dismissed. No costs.

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
cse/veda

To

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Tirupathur Taluk,
Tirupathur District.

2. The Sub Registrar,
Natrampalli,
Tirupathur District.



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S.M. SUBRAMANIAM, J.

cse/veda

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