



WEB COPY

WP No.24081 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.24081 of 2023

And

WMP Nos.23567 and 23568 of 2023

Selvarajan

... Petitioner

Vs.

1. Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam,
Chennai-600 028.

2. District Registrar,
District Registrar Office,
Syrian Church Road,
Coimbatore-641 001.

3. Sub Registrar,
Sub Registrar Office,
No.271, Coimbatore Main Road,
Mettupalayam-641 301.

4. Ramamoorthy

5. Priyadharshini



6.R.Vishnuvardhan

7.M.Sendhilkumar

8.M.Sundarraaj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the proceedings made in No.8946/A1/2021 by the second respondent dated 18.04.2022 and to quash the same as illegal and unsustainable.

For Petitioner : Mr.S.Karthikei Balan

For Respondents-1 to 3 : Mr.G.Krishna Raja,
Additional Government Pleader.

For Respondent-5 : Mr.C.Santhosh Kumar

For Respondents-4 and 7 : Party-in-Person

For Respondents-6 and 8 : No Appearance

ORDER

The writ on hand has been instituted challenging the order dated 18.04.2022 passed by the District Registrar (Administration), Coimbatore, holding that there was fraudulent execution and registration of document and it was a case of mere irregularity. However, the District



Registrar (Administration) in the impugned order has relegated the parties to approach the Civil Court of Law questioning the validity of the documents registered in the year 2013 vide Document Nos.6116/2013, 6140/2013 and 6166/2013.

2. The learned counsel for the petitioner mainly contended that the fourth respondent initially filed complaint to cancel the documents of the year 2013 before the District Registrar (Administration) on 07.01.2016 and the then District Registrar (Administration), Coimbatore conducted an enquiry and passed an order on 16.08.2016 relegating the parties to approach the Civil Court of Law for the purpose of resolving their disputes.

3. When the District Registrar (Administration) had already passed an order after a lapse of about six years, the very same complainant/fourth respondent Mr.P.Ramamoorthy again filed an application on 27.09.2021 before the very same Authority, namely, the District Registrar (Administration), Coimbatore. The District Registrar (Administration), Coimbatore again entertained the complaint, conducted enquiry and passed order on 18.04.2022. The said order of the District



Registrar (Administration), Coimbatore, dated 18.04.2022, is under challenge in the present writ petition.

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4. The fourth and seventh respondents, appearing in persons, made a submission that the minor's property was abused and illegal execution of documents were made. Therefore, the District Registrar (Administration) made a finding that the execution of documents in the year 2013 were fraudulent and based on the said order, criminal prosecution has also been initiated.

5. If at all, there is any criminality involved, there is no impediment for the Police Authorities to continue the criminal investigation in the manner known to law. Irrespective of the finding made by the District Registrar (Administration) in the impugned order dated 18.04.2022, the Police Authorities are empowered to conduct investigation and if any fraud, impersonation or criminality has been identified, then there is no impediment for the Police Authorities to continue the investigation in the manner known to law.



6. However, the fact remains that the District Registrar (Administration) has no powers under the Registration Act, to conduct an enquiry soon after the lapse of seven years. Thus, in the present case, the District Registrar entertained the complaint filed by the fourth respondent in the year 2021 and passed the impugned order beyond the scope of the provisions of the Registration Act. Thus, the said order cannot be sustained.

7. Accordingly, the impugned order passed by the District Registrar (Administration) in proceedings No.8946/A1/2021 dated 18.04.2022 is quashed. Quashing of the impugned order will not be an impediment for the Police Authorities to continue the criminal investigation in the manner contemplated.

8. It is brought to the notice of this Court that the civil suits are instituted between the parties in OS Nos.98 of 2023 and 76 of 2014. The parties are at liberty to establish their respective rights before the Civil Court of Law in the manner know to law.



9. With the above liberty, the present writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

25-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.

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