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W.P.No.27421 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27421 of 2023

M.P. Surekah W/o. A. Sreenivasa Rao

... Petitioner

Vs

1. The District Registrar,
Office of the District Registrar,
Tiruvallur District.

2. The Sub-Registrar,
Office of the Sub-Registrar,
Arani, Tiruvallur District.

3. M.B. Santhamma alias M.B. Santha
W/o. Late M.E. Bhaskaradu alias M.B. Bhaskar ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of mandamus, directing the 1st respondent to dispose of the representation dated 19.06.2023 sent by the petitioner.

For Petitioner : Mr. P. Suresh

For Respondents 1& 2 : Mr. T. Arunkumar
Additional Government Pleader



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ORDER

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The relief sought for in the present writ petition is to direct the first respondent to dispose of the representation of the petitioner dated 19.06.2023.

2. The petitioner claims herself as a trustee of M.B.S.Vivekananda Vidhyalaya Trust. The third respondent is the Correspondent of the school and also the trustee. The petitioner states that the third respondent has illegally transferred the property belonging to the family. As per the Will, the right of life interest alone has been provided in favour of the third respondent and the power to transfer the property has not been provided. Therefore, the dispute between the petitioner and the third respondent is relating to the family property and to resolve the dispute of such civil nature, the petitioner has to approach the competent civil court of law. Even if the subject property is the trust property, Section 92 of the Code of Civil Procedure provides relief. In any event, the writ petition is not maintainable.

3. Mere direction to consider the representation as such sought for in



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the present writ petition, would do no service to the cause of justice. The District Registrar is incompetent to adjudicate the disputed issues of civil nature. The power of District Registrar under section 77A of the Registration Act is limited and summary in nature. Only in the event of fraudulent registration or impersonation, the document can be cancelled and in respect of other allegations or civil disputes, the parties are to be relegated to approach the competent civil court of law.

4. This being the principles to be followed, the petitioner is at liberty to workout his remedy in the manner known to law. Accordingly, the writ petition is dismissed. No costs.

20.09.2023

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Index : Yes
Speaking order



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To

1. The District Registrar,
Office of the District Registrar,
Tiruvallur District.

2. The Sub-Registrar,
Office of the Sub-Registrar,
Arani, Tiruvallur District.



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S.M.SUBRAMANIAM, J.

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