



W.P.No.29216 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.No.29216 of 2022

and

W.M.P.No.28508 of 2022

G.Tamilanban

... Petitioner

Vs

1. The District Registrar (Auditing),
Tiruvarur.

2. The Sub-Registrar,
Tiruthuraipoondi,
Tiruvarur District.

3. M.Chandrasekar,

4. M.Rajendren

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring the proceedings of the first respondent bearing in Se.Mu.Aa.No.2773/a2/2021 dated 10.06.2022 as null and void and further direct the second respondent to cancel the remarks made in the documents in numbers 291/2008, 1586/2008, 2358/2021 on the file of the second respondent.



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For Petitioner : Mr.s.Parthasarathi
For Respondents :
For R1 & R2 : Mr.T.Arun kumar
Additional Government Pleader
For R3 & R4 : Mr.K.Sanjay
for Mr.S.Ravichandran

ORDER

The order passed by the District Registrar in proceeding dated 10.06.2022, rejecting the application to cancel the document registered by the petitioner is under challenge in the present writ petition.

2. The petitioner presented a Settlement Deed for registration which was subsequently registered. The respondents 3 & 4 submitted an application under Section 77 A of the Registration Act, to cancel the said document on the ground of fraud.

3. The District Registrar entertained the complaint and adjudicated the issues raised between the parties. The District Registrar arrived at a conclusion that there are disputed issues between the parties regarding title and ownership and under the provisions of the Registration Act, 1908, he is not empowered to adjudicate such title disputes under

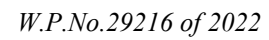


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Section 77 A of the Registration Act and accordingly for the purpose of adjudication, the parties have to approach the competent Civil Court of Law.

4. The learned counsel for the petitioner mainly contended that the District Registrar has erroneously stated that the respondent is the owner of the property. Then the District Registrar has finally arrived at a conclusion that he is not empowered to adjudicate the issues. Such findings if any, cannot be relied upon for the purpose of establishing the title even by the respondents 3 and 4.

5. Therefore, any findings regarding the title by the District Registrar cannot be relied upon for the purpose of establishing title by any persons, since the suit has already been instituted in O.S.No.8 of 2022, the parties are at liberty to establish their title and ownership independently through document and evidences and therefore, this Court is of the opinion that the finding relied upon is of no avail to any of the parties for the purpose of adjudicating the Civil suit already pending before the competent Civil Court.



7. With these observations, the writ petition stands disposed of.

22.06.2023

<https://www.mhc.tn.gov.in/judis>



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To

1. The District Registrar (Auditing),
Tiruvarur.
2. The Sub-Registrar,
Tiruthuraipoondi,
Tiruvarur District.



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S.M.SUBRAMANIAM, J.

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