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W.P.No.13396 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.13396 of 2017

M/s.Religare Finvest Ltd.,
Having its Office at:
D-3 P3B District Centre Saket,
New Delhi – 110 017.
Branch Office Bascon IT Park, 12th Floor,
New Door No.10/2, Old Door No.56,
Venkat Narayana Road, T.Nagar,
Chennai – 600 017.

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.The District Registrar,
Chennai Central,
No.182 Bharati Salai,
Royapettah, Chennai – 14.
- 3.The Sub Registrar,
Joint II Thousand Lights,
No.182 Bharati Salai,
Royapettah, Chennai – 14.
- 4.M/s.Shristi Construction,
Equipments Represented by its
Partners Geevar P.W. &
Elizabeth. J, 11/3 Kamber Street,
Thiru Nagar, Madurai – 625 006.



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5.P.W.Geevar

6.M.Muthumari

7.G.Thambiraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the third respondent to cancel the cancellation deed dated 16.12.2016 registered as Document No.326 of 2017 and Agreement of sale registered as Document No.337 of 2017 dated 22.03.2017 in respect of the secured asset situate at Door No.44 [Old Door #112] Rama Street, Nungambakkam, Chennai 34.

For Petitioner : Mr.S.Namsivayam

For Respondents : Mr.S.Ravichandran
Addl. Government Pleader for R1 to R3

: Mr.P.V.Muralidhar for R6

: Mr.M.Praveenkumar for R7

: Not ready in notice for R4 & R5

ORDER

The relief sought for in the present writ petition is to direct the 3rd respondent/Sub Registrar to cancel the cancellation deed dated 16.12.2016 registered as Document No.326 of 2017 and agreement of sale registered as Document No.337 of 2017 dated 22.03.2017.

2. The petitioner is a subsidiary of Religare Enterprises Limited, a Non Banking Financial Company.



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3. The grievances of the writ petitioner are that the sale agreement and cancellation deed were executed in a fraudulent manner. Even in respect of the fraud committed apparently, the petitioner has to approach the competent authority under the provisions of the Registration Act. If at all any disputed dispute exist between the parties, they are bound to approach the competent Civil Court of Law for the purpose of redressal of their grievances.

4. In the present case, the petitioner raises certain disputed facts which cannot be considered as fraud apparent enabling the District Registrar to cancel the document. The documents registered by following the procedures under the provisions of the Registration Act cannot be cancelled and the scope of cancellation under the Registration Act is limited. If any fraud or impersonation is found apparent within the provisions of Sections 32 to 35 of the Registration Act, then alone a complaint for cancellation of document is entertainable and in respect of all other allegations or establishment of right, the parties are to be relegated to approach the competent Civil Court of Law.



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5. In the present case, the petitioner has raised grounds on merits which cannot be adjudicated in a writ proceeding nor the District Registrar is directed to cancel the document, thus the petitioner is at liberty to approach the competent Civil Court of Law for the purpose of establishing their rights.

6. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

30.06.2023

Index : Yes / No

Speaking order : Yes / No

Sgl

To

1.The Inspector General of Registration,
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3. The Sub Registrar,
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S.M. SUBRAMANIAM, J.

Sgl

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