



WEB COPY

WP No.34596 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-08-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.34596 of 2022

And

WMP Nos.34039 of 2022 and 16268 of 2023

1.Ms.Bairose Banu Jamal,
D/o.Mr.Jamal,
5/5, Thiruvengadam Street,
Pudupet, Anna Salai,
Chennai-600 002 Represented by her
Power Agent, Mr.S.Saravanan,
S/o.Senthilnathan,
No.62/204, Chidambaram Road,
Peravoorani Post and Taluk,
Tanjore District-614 804.

2.Mr.S.Saravanan

... Petitioners

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai-600 028.



2. Deputy Inspector General of Registration,
Chennai Zone,
Integrated Building for Offices of the
Commercial Taxes and Registration Department,
Fanepet, Nandanam,
Chennai-600 035.

3. District Registrar,
Integrated Building for Offices of the
Commercial Taxes and Registration Department,
Fanepet, Nandanam,
Chennai-600 035.

4. S.A. Mohamed Ismail ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records on the file of the second respondent vide his proceedings Na.Ka.No.2299/A1/2021 dated 11.11.2022 and quash the same.

For Petitioners : Mr.D.Saikumaran

For Respondents-1 to 3 : Mr.C.Jayaprakash,
Government Advocate.

For Respondent-4 : Dr.A.Thiyagarajan,
Senior Counsel for
Ms.A.Vinu Pradha

ORDER

The order passed by the District Registrar under Section 77-A



of the Registration Act, 1908 and the Appellate Order confirming the order of the Original Authority under Section 77-B of the Registration Act, 1908, are under challenge in the present writ petition.

2. The fourth respondent filed a complaint under Section 77-A of the Registration Act, 1908 to cancel the Sale Deeds, which were allegedly registered fraudulently. The District Registrar of Registration Department holding the jurisdiction conducted an enquiry by affording an opportunity to the parties and hold that the documents were registered fraudulently and consequently cancelled the said documents.

3. The writ petitioners have preferred an appeal under Section 77-B of the Registration Act, 1908 and the Appellate Authority, namely the Deputy Inspector General of Registration, Registration Department, Chennai has confirmed the order passed by the District Registrar.

4. The findings of the Authorities reveal that the Sale Deeds were registered based on the Power of Attorney, which all are found to be genuine. The Power of Attorney was executed by the third party, based on



which the Sale Deed was executed infringing the property right of the fourth respondent. On the said ground, the Sale Deeds were cancelled.

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5. The learned counsel appearing on behalf of the petitioners brought to the notice of this Court that civil case has been filed by the petitioners in OS No.138 of 2021 before the Principal District Munsif Court at Alandur, Chennai.

6. A suit was instituted for bare injunction and not for declaration of title. However, it is for the petitioners to establish their title in respect of the subject property before the Civil Court of Law.

7. As far as the impugned orders are concerned, the District Registrar and the Appellate Authority have considered the allegations of fraud in respect of registration of documents within the ambit of Section 77-A and Section 77-B of the Registration Act, 1908, and have decided that the documents were registered in a fraudulent manner.



8. This being the factum, the petitioners are at liberty to establish their cases or redress their grievances, if any exist, before the Competent Civil Court of Law.

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

03-08-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai-600 028.



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S.M.SUBRAMANIAM, J.

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