



W.P.(MD)No.17522 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17522 of 2021

and

W.M.P.(MD).Nos.14360 & 14361 of 2021

Selva

... Petitioner

Vs.

1.The District Registrar (Admn),
Registration Department,
Sivagangai District,
Sivagangai.

2.The Sub-Registrar,
Registration Department,
Paramakkudi.

3.Thennarasi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Mu.Mu.No.1419/E1/2020 dated 26.11.2020 in so far as the findings relating to the cancellation of the petitioner's registered document dated 12.02.2020 registered with the 2nd respondent in document No.481



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of 2020 thereby declaring the registration of the same is annulled is concerned and consequent proceedings of the 2nd respondent thereby cancelling the said registration of the document and recording the same in the EC in an unilateral manner and quash the same and consequently direct the 2nd respondent to remove the said entry of cancellation of the said document from the EC Register maintained by the second respondent.

For Petitioner : Mr.B.Prahalad Ravi
For R-1 & R-2 : Mr.B.Saravanan,
Additional Government Pleader
For R-3 : Mr.D.Senthil

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent through impugned proceedings in Mu.Mu.No. 1419/E1/2020 dated 26.11.2020 insofar as the finding rendered by the first respondent to the effect that the registration is fraudulent and the same has to be annulled and the consequent proceedings of the second respondent, cancelling the registration of the document and recording the same in the Encumbrance Certificate.

2. Heard the learned counsel on either side.



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3. The third respondent had given a complaint before the first respondent to cancel the settlement deed dated 12.02.2020 that was executed in favour of the petitioner in Document No.481 of 2020. After enquiry, the first respondent came to a conclusion that this document is a fraudulent document and the registration has to be annulled. However, the first respondent by relying upon the Judgment of the Hon'ble Apex Court in *Satyapalsingh's case* also came to the conclusion that he cannot cancel the document and for that purpose, the parties must only go before a Civil Court and agitate the dispute.

4. In the considered view of this Court, the order has been passed by the first respondent after affording an opportunity to both the petitioner as well as the third respondent. Therefore, the order passed by the first respondent is not vitiated by non-adherence to the principles of natural justice. There is an effective appellate remedy available before the Deputy Inspector General of Registration and the same has also been specifically stated in the order passed by the first respondent. In the light of such an efficacious and alternative remedy available to the petitioner, straight away a Writ Petition cannot be entertained by this Court. The



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petitioner seems to be aggrieved by the finding rendered by the first respondent as if the settlement deed is a fraudulent document and the registration has to be annulled. This finding can very well be put to challenge before the Deputy Inspector General of Registration, since he is the appellate authority to deal with the appeal filed against the order passed by the District Registrar.

5. In the light of the above discussion, liberty is granted to the petitioner to file an appeal before the Deputy Inspector General of Registration, Madurai and redress the grievance. The petitioner shall file an appeal before the Deputy Inspector General of Registration, Thirumohoor Road, Othakadai, Madurai District, within a period of two (2) weeks from the date of receipt of a copy of this order. The Deputy Inspector General of Registration on receipt of the same shall issue notice to the third respondent and afford an opportunity to both the parties and final orders shall be passed on its own merits and in accordance with law within a period of eight (8) weeks thereafter.



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6. This Writ Petition is disposed of with the above directions.

No costs. Consequently, connected miscellaneous petitions are closed.

7. The Registry is directed to hand over the original order passed by the first respondent dated 26.11.2020 to the learned counsel appearing for the petitioner to enable the petitioner to work out the appellate remedy.

21.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

1.The District Registrar (Admn),
Registration Department,
Sivagangai District,
Sivagangai.

2.The Sub-Registrar,
Registration Department,
Paramakkudi.

3.The Deputy Inspector General of Registration,
Thirumohoor Road,
Othakadai, Madurai District.



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N.ANAND VENKATESH, J.

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