



W.P.(MD)No.18849 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.18849 of 2021

T.Rajathi

... Petitioner

Vs.

1.The Chairman Cum Inspector General of Registration,
Registration , No.100,
Santhome High Road,
Pattinapakkam,
Chennai - 600028.

2.The Deputy Inspector General of Registration,
Office of Deputy Inspector
General of Registration,
Rajakambiram,
Othakadai , Madurai.

3.The District Registrar,
Batlagundu Road,
Periyakulam,
Theni District.

4.The Sub Registrar,
Batlagundu, Periyakulam,
Theni District.



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5.Chinnathai

6.Chinnasamy

7.Mahalakshmi

8.R.Mani

... 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 of the 4th respondent dated 28/06/2021 quash the same and consequently direct the respondents 1 to 4 herein to conduct an enquiry into the fraudulent registration make proper entry in the Encumbrance Certificate reversing the earlier entry of registration of sale deed dated 24/11/2015 vide Doc.No.4088/2015.

For Petitioner : Mr.K.Appadurai

For R-1 to R-4 : Ms.D.Farjana Ghoushia,
Special Government Pleader

For R-5 to R-7 : No Appearance

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the fourth respondent dated 28.06.2021 and for a consequential direction to respondent Nos.1 to 4 to conduct an enquiry with respect to the fraudulent registration pertaining to a document dated 24.11.2015 registered as Document No.4088 of 2015.



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2. Heard the learned counsel on either side.

3. The case of the petitioner is that the subject property devolved on the father of the petitioner and on his demise, it devolved upon the petitioner and the other children. While so, the petitioner's father married the fifth respondent and through this marriage, the sixth and seventh respondents were born. The fifth respondent had dealt with the subject property and had executed a sale deed dated 24.11.2015 in favour of the eighth respondent and this document was registered as Document No.4088 of 2015.

4. The petitioner after coming to know of the above registration of the document, made a representation before the fourth respondent seeking for the cancellation of the document. The fourth respondent through impugned proceedings dated 28.06.2021 refused to entertain the objection made by the petitioner on the ground that the fourth respondent does not have any power or jurisdiction to cancel the document. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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5. In the considered view of this Court, there is no illegality in the order passed by the fourth respondent. Ultimately, the sale deed that was executed by the fifth respondent in favour of the eighth respondent was entertained and registered in the year 2015 itself as Document No.4088 of 2015. Immediately after the registration of the document, the Sub Registrar becomes a *functus officio* and he loses all his right and jurisdiction to deal with that document. If at all, any party is aggrieved by the registration of the document, either the party will have approach the Civil Court and seek for the cancellation of the document or the party will have to make an appropriate application before the Deputy Registrar and seek for cancellation of the document on the ground that the document is a fraudulent document. The petitioner has not resorted to either of these two remedies. Instead the petitioner has gone before the fourth respondent and raised an objection and the fourth respondent has rightly rejected the objection made by the petitioner.

6. In the light of the above discussion, there is no ground to interfere with the order passed by the fourth respondent. Liberty is granted to the petitioner to challenge the document dated 24.11.2015 registered as



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Document No.4088 of 2015 either before the competent Civil Court or before the concerned authority and seek for redressal of her grievance.

Except giving this liberty, no further orders can be passed in this Writ Petition.

7. This Writ Petition is disposed of in the above terms. No costs.

21.12.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

- 1.The Chairman Cum Inspector General of Registration,
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N.ANAND VENKATESH, J.

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