



W.P(MD).No. 20131 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.20131 of 2014

and

M.P(MD) No.2 of 2014

1. S.Subaitha Nachiar
2. Mohamed Abdul Khader
3. Sulthan Meera Nachiyar
4. M.Mohaideen Anwar Maraikayar Petitioners
- Vs-

1. The Inspector General of Registration,
Door No.120, Santhome High Road,
Chennai – 600 028.

2. The District Registrar (Administration)
Ramanathapuram.

3. M.M.M.K.Sahul Hameed Maraikayar ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of declaration, declaring that the respondents 1 and 2 have no authority or jurisdiction to decide question of title under Section 83 or any other provision of the Registration Act, 1908 or the Circular No.67, dated 03.11.2011 issued by the first respondent



W.P(MD).No. 20131 of 2014

regarding the property bearing old door No.65, new door No.46, Sembudoss Street, George Town, Chennai and another property bearing door Numbers. 9/49, 9/50, 9/51, 9/52 and 9/53, Bazaar Street, Mandapam Ramanathapuram District.

For Petitioners : Mr.T.R.Jeyapalam

For Respondents : Mr.M.Ramesah
Government Advocate
for R1 and R2

: Mr.M.Natarajan
for Ajmal Associates
for R-3

ORDER

This Writ Petition has been filed seeking for a Writ of declaration, declaring that the respondents 1 and 2 have no authority or jurisdiction to decide question of title under Section 83 or any other provision of the Registration Act, 1908 or the Circular No.67, dated 03.11.2011 issued by the first respondent regarding the property bearing old door No.65, new door No.46, Sembudoss Street, George Town, Chennai and another property bearing door Numbers.9/49, 9/50, 9/51, 9/52 and 9/53, Bazaar Street, Mandapam Ramanathapuram District.



W.P(MD).No. 20131 of 2014

2. The question of title cannot be decided by a statutory authority.

Further, Circular No.67, dated 03.11.2011 has been quashed by the Hon'ble Apex Court for the very same reason and Section 77-A of Tamil Nadu Registration Act has been inserted by way of amendment in the Registration Act, wherein, the power of the District Registrar is only to enquire into whether any act of fraud has been committed in the registration of the document. Here again, there is no power vested with the authority to decide the title.

3. Hence, this writ petition is allowed as prayed for and Rule Nisi is made absolute. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

27.01.2023

NCC: Yes / No

Index : Yes / No

Internet : Yes / No

ebsi



WEB COPY



W.P(MD).No. 20131 of 2014

To

1. The Inspector General of Registration,
Door No.120, Santhome High Road,
Chennai – 600 028.
2. The District Registrar (Administration)
Ramanathapuram.



WEB COPY



W.P(MD).No. 20131 of 2014

K.KUMARESH BABU, J.

ebsi

Order made in
W.P(MD)No.20131 of 2014

27.01.2023