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W.A.No.251 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A.No.251 of 2024

M.Sujatha

... Appellant

Vs.

1. The Inspector General of Registration,
Office of The Inspector General of Registration,
Chennai-28.

2. The District Registrar (Admn.)
Virudhunagar.

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to
set aside the order dated 18.10.2023 passed in W.P.No. 30179 of 2023.

For Appellant : Mr.K.Selvaraj

For Respondents : Mr.B.Vijay,
Additional Government Pleader



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J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ appeal has been filed against the order dated 18.10.2023, passed in W.P.No. 30179 of 2023.

2. The writ petitioner is the appellant before us. The writ petition was filed challenging the order dated 29.03.2023, passed by the District Registrar (Admn.) Virudhunagar.

3. The learned counsel for the appellant, Mr.K.Selvaraj would contend that the partition deed, vide Document No.2852 of 2008 was registered fraudulently, more specifically, it was registered by excluding the other Class 1 legal heirs. Thus, the document is to be nullified by entertaining the complaint filed by the petitioner before the District Registrar. Contrarily, the District Registrar rejected the complaint by relegating the appellant to approach the civil court of law. Thus, the petitioner has chosen to file the present appeal.

4. The learned Special Government Pleader, Mr.B.Vijay, appearing on behalf of the respondents would submit that the District Registrar has



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no power to cancel the registered document which was registered in the year 2008. Further the Registrar cannot adjudicate the disputed facts between the parties involving civil rights. Thus, the learned Judge is right in dismissing the writ petition.

5. The powers conferred on the competent authorities, under the Registration Act cannot be expanded so as to usurp the powers of the Civil Court. These authorities can exercise the powers within the ambit of the Act, by adjudicating the grounds stipulated under the provisions of the Act. Even a fraud, in common parlance, cannot be adjudicated by the Registering Authorities. Civil rights have to be determined only by the competent Civil Court of law and in the event of any disputed facts, the parties have to be relegated to approach the Civil Court of law. In the present case, the District Registrar has rightly did it. Based on certain receipts or by factual inferences, High Court, in a writ proceedings, cannot nullify the registered document, which is beyond the scope of the powers of Judicial Review.

6. In the present case, the Partition Deed was registered in the year 2008 and the appellant herein preferred a complaint in the year 2022, after



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a lapse of about 14 years. Therefore, the appellant has to approach the competent Civil Court of law, for the purpose of adjudication of issues based on the documents and evidences available on record.

7. Thus, we do not find any infirmity in respect of the order passed by the Writ Court and accordingly, the writ appeal stands dismissed. However, there shall be no order as to costs.

(S.M.S.J.,)

(K.R.S.J.,)

12.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

1. The Inspector General of Registration,
Office of The Inspector General of Registration,
Chennai-28.

2. The District Registrar (Admn.)
Virudhunagar.



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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