



WEB COPY



W.P. No.18692 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.18692 of 2024

M.Bushan Kumar

... Petitioner

Vs

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

2.The Deputy Inspector General of Registration
Salem

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in proceedings No.4102/U1/2023 dated 02.08.2023, quash the same.

For Petitioner : Mrs.R.Poornima

For Respondent : Mr.M.Shajahan,
Spl. Govt. Pleader for R1 and R2



W.P. No.18692 of 2024

ORDER

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This writ petition has been filed challenging the order of the Inspector General of Registration confirming the orders of the original authority.

2. Originally, a complaint has been given by the writ petitioner for cancellation of the document mainly on the ground that the property belongs to him. However, her sister has dealt with the property to third parties. Therefore, he has sought cancellation of the documents. However, the original authority has held that the petitioner has to work out his remedy before the civil court, which has been confirmed by the appellate authority. Challenging the same, the present writ petition has been filed.

3. It is the contention of the learned counsel appearing for the petitioner that a civil suit already filed by her sister for declaration and injunction, was dismissed. Therefore, it is the contention of the petitioner, that his sister has no right to deal with the property. What was dealt with by his sister is 3/5 shares in the property. She is also said to be a co-sharer. When such being the position, when the co-sharer claiming to be the owner of the property, such transaction will never fall within the ambit of forgery to invoke Section 77-A of the Act.



W.P. No.18692 of 2024

WEB COPY

After all, it is purely a civil dispute between the parties. If the petitioner is of the view that his excess share has been dealt with by his sister, he can very well avoid such sale in the civil court. When the authority is not vested with any power to go into all these disputes under Section 77-A of the Act, as a matter of right, the document cannot be annulled by the authorities. Accordingly, I do not find any merit in the writ petition and the same deserves to be dismissed. Let the petitioner establish his right in the civil court.

4. Accordingly, the writ petition is dismissed. However, there is no order as to costs.

16.07.2024

Asr

Index : Yes/No

Neutral Citation : Yes/No

To

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

2.The Deputy Inspector General of Registration, Salem

3.The Government Pleader, High Court, Madras

N.SATHISH KUMAR, J.



WEB COPY



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