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W.A.No.2295 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.A.No.2295 of 2024

and

C.M.P.No.16120 of 2024

M.Senthil Vadivel

... Appellant

Vs.

1.The Registrar of Cooperative Societies (Housing)
No.48, Ritherton Road, Veppery,
Chennai – 600 007.

2.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

3.The District Registrar,
Karaikudi.

4.D.Victor Sebasthi Baskaran

5.SP.Vellaisamy

... Respondents



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Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 16.04.2024 in W.P.No.29688 of 2022 on the file of this Court.

For Appellant : M/s.AL.Gandhimathi
Senior Counsel
for M/s.L.Palani Muthu

For R1 : Mr.M.Rajendran
Additional Government Pleader
(Cooperative Societies)

For R2 & R3 : Mr.P.Harish
Government Advocate

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge dated 16.04.2024 in W.P.No.29688 of 2022.

2.Brief facts that are necessary for the disposal of this Writ Appeal are as follows :

2.1.The appellant herein filed the writ petition challenging the order dated 08.08.2022 of the 2nd respondent confirming the order dated



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26.09.2021 of the 3rd respondent. The subject matter of this *lis* is a plot in the layout promoted by a Society.

2.2.On the ground that the 4th respondent has executed a sale deed without there being a sale deed executed by the promoter of the layout, a representation was submitted for cancellation of the sale deed which is registered by the Sub-Registrar. The petitioner has approached the respondents for a declaratory relief resulting in cancellation of registered document. However, the District Registrar, by the order dated 26.09.2021, refused to go into the validity of document or cancel the document as the parties had already approached the Civil Court and suits are pending with regard to the transactions. The 3rd respondent, in his order, referred to the parties to approach the Civil Court for appropriate relief.

2.3.As against the same, an appeal was preferred before the 2nd respondent and the 2nd respondent, by the order dated 08.08.2022, dismissed the appeal preferred by the appellant, confirming the order of 3rd respondent.

2.4.When the petitioner challenged the order of 2nd respondent before this Court in the writ petition, learned Single Judge of this Court, by order impugned dated 16.04.2024, dismissed the writ petition, holding that



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question of title cannot be gone into by the respondents while exercising power under the Registration Act.

2.5.Challenging the order of the learned Single Judge, the above Writ Appeal is filed.

3.This Court, even earlier, has held that allotment in favour of 4th respondent cannot be challenged before this Court in a writ petition in W.P.(MD).No.16038 of 2019 by order 10.09.2020. The appeal in W.A.(MD) No.399 of 2021 as against the said order, was also dismissed. It is admitted that a Civil Suit is also pending in O.S.No.185 of 2015 on the file of District Munsif Court, Karaikudi. Learned Single Judge has rightly held that the Registrar cannot go into the question of title merely on the basis of pleadings among the parties. Recently, a Division Bench of this Court, in which one of us was a party, in a batch of cases in ***W.P.No.10291 of 2022, etc. batch, dated 02.08.2024 [M.Kathirvel v. Inspector General of Registration and others]***, elaborately considered the scope of Registration Act. While striking down Section 77-A of the Registration Act, this Court has further held that the Sub-Registrar or the District Registrar has no power



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to cancel registration or invalidate the registered documents and the parties
can only approach the Civil Court for appropriate relief.

4.In view of the above, this Court finds no merit in this Writ Appeal.
Accordingly, this Writ Appeal is dismissed for want of merits. No costs.
Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (K.R.S., J.)
29.08.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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