



W.A.No.2305 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No. 2305 of 2024

V.Muniellappa

...Appellant

Vs.

1.The District Registrar,
S/o. District Registrar Office,
Hosur, Krishnagiri District.

2.Chinna Ellappa

3.Muniappa

4.Ellappa

5.Rajappa

6.Puttamma

7.Gauravamma

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 14.06.2024 made in W.P.No. 14015 of 2024.



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W.A.No.2305 of 2



For Appellant : Mr.L.Chandrakumar

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

We do not find any merit in the appeal. The appellant filed W.P.No.14015 of 2024 seeking a mandamus, directing the 1st respondent / the District Registrar to dispose of his appeal dated 16.04.2024 seeking cancellation of a partition document dated 03.03.2015 contending that the parties to that partition document did not have title to the property. This kind of abuse of the 226 jurisdiction and the jurisdiction that is alleged to be vested in the District Registrars under Section 77-A should be curbed that is what the Learned Single Judge has done.

2. Section 77-A of the Registration Act enables the District Registrar to launch upon an enquiry only in cases where it is found that the document is vitiated either by Section 22-A or 22-B. Section 22-A deals with properties that stand in the name of the Government or any other public religious institutions. Section 22-B provides the power of cancellation to



W.A.No.2305 of 2

the Sub-Registrar only on limited grounds. One such ground is forgery. In this case, admittedly, there is no forgery. The persons who had entered into the partition had claimed title to the property and had got the document registered. If the petitioner has better title, it is for him to establish the same through appropriate Civil Court. It has been consistently held that mutation of revenue records will not vest title in any person. Therefore, we find that the very appeal filed before the District Registrar is not maintainable and the learned single Judge was right in refusing to entertain a Writ Petition seeking mandamus to the Registrar to dispose of the appeal.

3. This action, we are sure, is prompted by the Officials of the Registration Department who had nudged the petitioner to file an innocuous Writ Petition, get an order, to enable them to assume jurisdiction which they do not otherwise possess. Hence, this Writ Appeal is dismissed. No costs.

(R.S.M., J.) (R.S.V., J.)
30.07.2024

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Internet: Yes / No

Index: Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

3/4



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W.A.No.2305 of 2



R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

KKN

To:-

1.The District Registrar,
S/o. District Registrar Office,
Hosur, Krishnagiri District.

W.A.No. 2305 of 2024

30.07.2024

4/4