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W.P. No.25564 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25564 of 2023 and
W.M.P. No.24958 of 2023

D.Thiraviyam

... Petitioner

Vs

1.The Inspector General of Registration
Having office at:
No.120 Santhome High Road
Bharathi Nagar, R.A.Puram
Chennai - 600 028

2.The Sub Registrar
Guduvanchery Sub Registrar Office
Guduvanchery, Chennai

3.Seenuvasan

... 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 leading to the order bearing No. :4332/ 2/2023 dated 31.07.2023 passed by the 1st respondent and quash the same and consequently to direct the 2nd



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respondent to consider the representation of the petitioner dated 29.03.2023, within a time limit to be fixed by this court.

For Petitioner : Mr.B.Arvind Srevatsa

For Respondent : Mr.B.Vijay
Addl. Govt. Pleader for R1 & R2
Mr.K.V.Babu for R3

ORDER

Challenge has been made to the impugned order passed by the second respondent in rejecting the request of the writ petitioner to rectify the mistakes crept in the document.

2. It is the grievance of the writ petitioner that his father had executed a settlement deed dated 14.07.2000 in respect of an extent of 6½ cents in his favour. However, there is some mistake crept in the document. But, whereas in the document some insertion has been made as if only an extent of 6¼ cents has been settled. Therefore, according to the writ petitioner, it is only an error in the document and the same has to be rectified. In this regard, his application has been rejected and hence the impugned order has to be set aside.



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3. The learned counsel appearing for the private respondent would submit that a suit has already been filed for declaration of title in O.S. No.42 of 2019 on the file of Sub Court, Chengalpet, wherein the petitioner also appeared and filed his written statement. The said suit is pending.

4. The learned Additional Government Pleader, appearing for the official respondents would submit that when the very extent is disputed, the registered instrument cannot be rectified by the Sub Registrarm unless the error is due to the act or omission on the part of the officials.

5. Heard both sides and perused the entire materials available on record in the form of typed set of paper.

6. The very dispute appears to be with regard to the nature of extent settled under the document. When there is a serious dispute with regard to the extent, this court is of the view that the extent cannot be corrected by the Sub Registrar. There is no provision enabling the Sub Registrar to go into that issue. In such view of the matter, this court is of the view that the order passed by the Sub Registrar, does not require any interference at this stage. However, any



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finding recorded in this writ petition will not be binding on the civil court, since the parties are already before the Civil Court. Let the civil court decide the matter on its own merits and in accordance with law.

7. With the above observation, the writ petition is disposed of. No costs.

Consequently, the connected writ miscellaneous petition is closed.

18.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Inspector General of Registration

Having office at:

No.120 Santhome High Road

Bharathi Nagar, R.A.Puram

Chennai - 600 028

2.The Sub Registrar

Guduvanchery Sub Registrar Office

Guduvanchery, Chennai

3.The Government Pleader

High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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