



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.31625 of 2018

Mohankumar

.. Petitioner

-VS-

1.The District Registrar,
District Registrar Office,
District Registrar Office Complex,
Coimbatore-641 018.

2.Balasubramaniam

3.Thangavel

4.Sengottian

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorari, calling for the records of the



first respondent in Na.Ka.No.12913/Aa1/2017 dated ..08.2018 and quash the same.

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For Petitioner	:	Mr.S.Kasi Rajan
For Respondent-1	:	Mr.P.Bala Thandayutham, Special Government Pleader.
For Respondent-2	:	No Appearance
For Respondent-3	:	Not Ready in Notice
For Respondent-4	:	Mr.K.Karthikeyan for Dr.C.Ravichandran

ORDER

The order passed by the first respondent-District Registrar, Coimbatore in August 2089, relegating the parties to approach the Competent Civil Court of Law for the purpose of resolving the issues, is under challenge in the present writ petition.

2. The petitioner submitted a complaint dated 11.12.2017 to the first respondent-District Registrar, Coimbatore to cancel the Settlement Deed



dated 29.01.1969 registered vide document No.98 of 1969 and the Release Deed dated 07.06.1976 registered vide document No.1379 of 1976. Entertaining the complaint filed by the writ petitioner, the District Registrar, Coimbatore conducted an enquiry.

3. Based on the submissions, the District Registrar formed an opinion that disputes of civil nature exist between the parties and therefore, they have to approach the Competent Civil Court of Law for the purpose of establishing their civil rights.

4. During the relevant point of time, when the impugned order has been passed in the year 2018, the District Registrars are not conferred with the power to cancel the documents. The Circular issued by the Government of Tamil Nadu in Circular No.67 of 2011 dated 03.11.2011 had already been withdrawn. The power has been conferred on the District Registrars to cancel the documents on the ground of fraud or impersonation only with effect from 16.08.2022 by inserting Section 77-A in the Registration Act.



5. More-so, in the present case, disputes of civil nature exist between the parties and such disputes cannot be resolved by the District Registrars. Thus the District Registrars cannot adjudicate title or ownership or civil rights exist between the parties.

6. That being so, the decision taken by the first respondent-District Registrar, Coimbatore, relegating the parties to approach the Competent Civil Court of Law, is in consonance with the provisions of the Registration Act and there is no infirmity as such. Thus, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of redressal of his grievances, if any, in the manner known to law.

7. With the above liberty, the present writ petition stands dismissed. However, there shall be no order as to costs.

29-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

The District Registrar,
District Registrar Office,
District Registrar Office Complex,
Coimbatore-641 018.

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S.M.SUBRAMANIAM, J.

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