

W.P.No.6628 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.04.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6628 of 2025

and

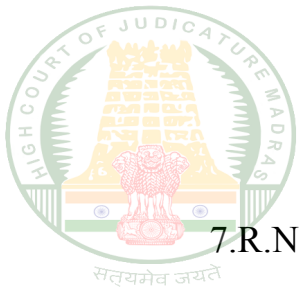
W.M.P.Nos.7275 & 7276 of 2025

Venkatesh Chandrasekar

.. Petitioner

Vs.

- 1.The District Registrar,
(Assistant Inspector General of Registration),
Chennai South, Ac 1 to 48, Tood Hunter Nagar,
Fanepet, Nandanam,
Chennai – 600 015.
- 2.The District Registrar (Administration),
SIDCO Industrial Estate, Electronic Complex,
3rd Block, 3rd Floor, Guindy,
Chennai – 600 032.
- 3.The Sub-Registrar,
Neelankarai Sub-Registration Office,
Neelankarai, Chennai.
- 4.M/s.VGP Housing Private Limited,
Rep. by its Director Mr.V.G.Santhosam.
- 5.M/s.VGP Housing Private Limited,
Rep. by its Authorized Signatory Mr.N.Muthukumar.
- 6.M/s.Akash Ganga Realtors,
Rep. by Mr.Gopi Krishnan.



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7.R.N.Sivaprakash

.. Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records pertaining to the impugned proceedings of the 1st respondent bearing Na.Ka.No.14279/E2/2019 dated 11.02.2020 and quash the same as illegal and unconstitutional.

For Petitioner	:	Mr.T.T.Ravichandran
For RR 1 to 3	:	Mr.U.Baranidharan Special Government Pleader
For RR 4 to 7	:	Mr.Arun C.Mohan

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 11.02.2020, canceling the registered documents registered as Document Nos.88 of 2019, 6788 of 2019, 6789 of 2019 and 7254 of 2019 on the ground that they are fraudulent documents.

2.Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the respondents 4 to 7.



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3.It is not necessary for this Court to go into the merits of this case, since the 1st respondent has exercised the power and jurisdiction under Section 68 of the Registration Act. The Division Bench of this Court in ***P.Pappu Vs. The Sub Registrar, Rasipuram***, reported in [2024 (5) CTC 575], held as follows:

“9.The power conferred under Section 68 of the Registration Act, 1908, is only a supervisory jurisdiction and it invests the power in the Registrars to issue any order consistent with the Act. As we already observed, the provision of Section 55-A inserted in the rules has no statutory authority. Section 69 of the Registration Act 1908, enables the Inspector General to make rules providing for the matters that are set out in Clauses (a) to (h). The provision namely, Section 69 further provides that the rule so framed shall be consistent with the provisions of the Act. Therefore, the rules made by the Inspector General of Registration exercising the power under Section 69 cannot override the provisions of the Act. Rule 162 of the Registration Rules prescribes the circumstances under which a Registrar can refuse to register an instrument. Clause 20 has been added to Rule 162 to enable the Registrar to refuse registration, if the presentant does not produce the original deed or record specified in Rule 55A. We do not propose to delve into the validity or otherwise of the rule, but we must record that prima facie, the rule overreaches the legislation and it is beyond the powers of the Inspector General of Registration under Section 69.”

4.Thereafter, once again the same issue was dealt with by the Division Bench of this Court in W.A.No.1057 of 2023 dated 13.06.2024

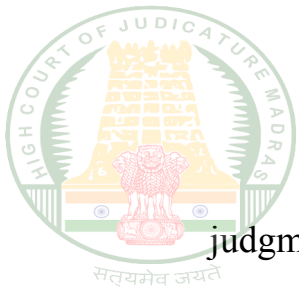


and it was held as follows:

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“9.The power that is vested in the Registrar or Inspector General of Registration under Section 68 of the Registration Act is in the nature of a supervisory jurisdiction. Sub~section (1) of Section 68 makes a Sub Registrar subject to the superintendence and control of the Registrar of the District. Sub~section (2) of Section 68 enables the Registrar to issue any order consistent with the Act which he considers necessary in respect of any act or omission of a Sub Registrar subordinate to him or in respect of rectification of any error regarding the book or the office in which any document has been registered. This power of superintendence cannot be invoked by a Registrar to cancel an instrument which has been duly registered under the provisions of the Registration Act. Moreover, the Registration Act is a procedural enactment and the law relating to transfer of immovable property is governed by the substantive law which is the Transfer of Property Act, 1882, a Central enactment.”

5.It is clear from the above judgment of the Division Bench of this Court that Section 68 of the Registration Act, is only a supervisory jurisdiction and it invests the power in the Registrar to issue any order consistent with the Act. This power of superintendence cannot be invoked by the Registrar to cancel the instrument which has already been duly registered under the provisions of the Registration Act. While arriving at this conclusion, the Division Bench has taken note of the earlier



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judgments of the Hon'ble Supreme Court including the judgment in *Satya Pal Anand Vs. State of MP*, reported in *[2016 (10) SCC 767]*.

6.In the light of the above judgment passed by the Division Bench, the order passed by the 1st respondent in exercise of jurisdiction under Section 68 of the Registration Act becomes unsustainable and the same is liable to be interfered by this Court.

7.In the light of the above discussion, the proceedings of the 1st respondent in Na.Ka.No.14279/E2/2019 dated 11.02.2020 is hereby quashed. If the respondents 4 & 5 have any grievance with regard to the documents which were registered and which according to them are fraudulent transactions, it is always left open to the respondents 4 & 5 to question the same before the competent Civil Court. The time spent by the respondents 4 & 5 before the concerned authority questioning those documents can be given due credit under Section 14 of the Limitation Act while calculating the limitation for the purpose of filing the suit. This observation will sufficiently take care of the right and interest of the respondents 4 & 5.



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8.In the result, this Writ Petition is allowed in the above terms.

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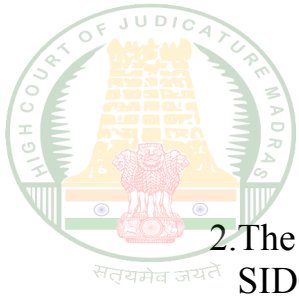
23.04.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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Fanepet, Nandanam,
Chennai – 600 015.



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2.The District Registrar (Administration),
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3.The Sub-Registrar,
Neelankarai Sub-Registration Office,
Neelankarai, Chennai.

N.ANAND VENKATESH, J.

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