



W.P.No.16061 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.16061 of 2025
and W.M.P.No.18177 of 2025

M.Magadevan

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai-600 028.

2.The District Registrar,
District Registrar's Office,
Udhagamandalam, Nilgiris District.

3.The Sub Registrar,
Sub Registrar's Office,
Coonoor, Nilgiris District.

4.T.M.Sivabasavappan @ T.M.Basavaiyyan
5.B.Mahalingam @ B. Mahalingaiyan

... 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
of the 2nd respondent made in Na.Ka.No.257/B1/2025, dated 20.02.2025
and quash the same and consequently direct the 2nd Respondent to



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consider the Petitioner's Complaint/Representation dated 04.02.2025

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further as per the Section 81 and 83 of the Registration Act.

For Petitioner : Mr.K.Balasubramanian

For Respondents : Mr.U.Baranidharan for R1 to R3
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to 4th and 5th respondents are dispensed with.

2.The present writ petition is filed challenging the order passed by the 2nd respondent in Na.Ka.No.257/B1/2025, dated 20.02.2025 and to quash the same and consequently direct the 2nd respondent to consider the petitioner's complaint/representation dated 04.02.2025 as per Sections 81 and 83 of the Registration Act.

3.It is submitted by the learned counsel for the petitioner that petitioner's grandfather Thuraiya Maathaiyan was the owner of the property comprised in Old S.No.573, New S.Nos.1005/1, 1005/2, 1005/13, measuring an extent of 0.60 acres, situated at Nedugula Village.



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After the demise of petitioner's grandfather, petitioner's father T.M.Mahlingam and his brother were in enjoyment of the said property as owners. After the demise of petitioner's father, petitioner and his uncles viz., T.M.Basavaraj, T.M.Nanjan and T.M.Sivabasavappan @ T.M.Sivabasavaiyyan became the lawful owners of the said property. Without intimation, T.M.Sivabasavappan @ T.M.Sivabasavaiyyan sold petitioner's property to one B.Mahalingam @ B.Mahalingaiyan (5th respondent herein) and executed a Sale Deed, registered as Document No.444 of 2002 before the Sub Registrar, Kothagiri. It is submitted that the above sale deed was registered despite misrepresentation and suppression.

4.Learned counsel for the petitioner further submitted that petitioner submitted a representation dated 04.02.2025 to 2nd respondent seeking initiation of action against 4th respondent under Sections 81 and 83 of the Tamil Nadu Registration Act, 1908 and it was rejected on the ground that remedy if any, is available only before the Civil Court. Aggrieved by order passed by the 2nd respondent, the present writ petition has been filed.

5.To the contrary, learned Special Government Pleader for the



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respondents 1 to 3 placed reliance on the Division Bench judgment of this

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Court in W.A.(MD).No.1242 of 2020 dated 16.04.2024 and submitted that in similar circumstances, wherein properties inherited by more than one individual were sold by one of the parties treating the entire property as his own, the Division Bench of this Court has held as under:

4.Per contra, the learned counsel appearing for the writ petitioner/1st respondent submitted that it cannot be disputed even by the appellant that his predecessor in title had only half share in the property, and that he should not have dealt with the entire property. He submitted that the learned Single Judge has only directed the Registering Authority to hold an enquiry under Section 83 of the Registration Act and no more.

5.The rival submissions are weighed carefully. The writ petitioner asked for the sun and the learned Judge has not even not given the moon. What is significant here is that in a cases such as this, why should the appellant appear before the District Registrar for an enquiry under Section 83 of the Registration Act? Here Rule 55 of the Registration Rules becomes significance and it reads as below:

“55. It forms no part of a registering officer's duty to enquire into the validity of a



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document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:-

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has not right to appear in that capacity;

(d) that the executing party is not really dead, as alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic.”

6.Very evidently, the District Registrar cannot go into the question of title but may have some power to enquire if any of the executants of any document that was presented before him for registration have engaged in fraud on registration. The act of registering a document is essentially a statutory act and therefore, the scope of enquiry under Sec.83 of the Act should necessarily be



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limited to enquiring into the conduct of the parties to ascertain if it constitutes any fraud on registration. The issue here is however, different where the writ petitioner literally requires the District Registrar concerned to decide the title to the property. This is something that has to be agitated only before a competent civil Court.

6.It is submitted by the learned Special Government Pleader for the respondents 1 to 3 consideration of petitioner representation would require an enquiry into title, however, this Court has repeatedly found it is beyond and in excess of jurisdiction of the registering authority to enquire into title and it may well fall within the jurisdiction of Civil Court, I agree with the above submission in view of the Division Bench judgment referred supra.

7.In view thereof, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes/ No
Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
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To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai-600 028.
- 2.The District Registrar,
District Registrar's Office,
Udhagamandalam, Nilgiris District.
- 3.The Sub Registrar,
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MOHAMMED SHAFFIQ, J.

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