



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

WEB COPY

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 1695 of 2025
and
CMP Nos. 12761 & 12766 of 2025**

Dayana Rexaline
Represented by her Power Agent
Mr.Anishkumar Nagaraj, Residing at
No.11, M.C.Raja Road, Nagalkeni,
Chrompet, Chennai-600 014.

Appellant(s)

Vs

1.Inspector General Of Registration
100, Santhome High Road,
Chennai- 600 028.

2.Nandakumar

3.Audi Munuswamy

Respondent(s)



PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 23.04.2025 made in WP.No.36246 of 2024 by this Court.

WEB COPY

For Appellant(s): Mr.A.K.Samy

For Respondent(s): MR. U.Baranidharan, SGP

For R1

Mr.D.Manimaran For R2 & R3

J U D G M E N T

(Judgment was delivered by S.M.Subramaniam J.)

The writ order dated 23.04.2025 passed in W.P.No.36246 of 2024 is under challenge in the present writ appeal.

2. The complex facts and circumstances with reference to several registered documents as narrated by the Writ Court in the order impugned would indicate that the title dispute exists between the parties. In this context, it is relevant to consider the findings made by the Writ Court in writ order, which reads as under:

“22. When the first respondent dealt with the appeal filed by respondents 2 and 3, the first respondent



WEB COPY



wanted to verify the correlation of the paimash number with the survey number. Accordingly, a report was called for from the Tahsildar, Vandalur Taluk and the RDO, Tambaram. They had given a report stating that there is no such old paimash No.164/2/3 and that the only paimash number available is 163/3B1, which correlates to S.No.53/16.

23. Surprisingly, in this case, either in the decree dated 30.6.1964 in O.S.No.346 of 1964 or in the sale deed dated 17.11.1983, no paimash number has been referred to and the entire description of the subject properties is not available with the boundaries. For the first time, such a correlation was attempted to be made by the petitioner when the settlement deed was executed in her favour on 09.7.2014. Paimash No.164/2/3, which is relied upon by the petitioner, is not able to be correlated to new paimash No.163/3B1 and the subsequent S.No.53/16. Therefore, there is a fundamental issue on the identity of the property in question.

24.

25.

26.

27.

28. What is evident from the materials available on record is that multiple documents were executed and

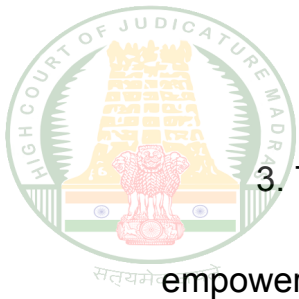


WEB COPY



registered pertaining to S.No.53/16. The petitioner is claiming right and title in a particular manner and the second respondent is also claiming right and title in a different manner. There is yet another set of documents, which now stand in the name of the said Mr.Sushil Lalwani. All these confusions cannot be resolved in this writ petition and it requires letting in evidence and appreciation of evidence, which can be done only before the competent civil court.

29. As held by the Hon-ble Apex Court in the case of S.P.Velayutham, this Court is not inclined to exercise its jurisdiction in the instant case since there are very many disputed questions of fact involved. This Court does not find any gross violation on the part of the Registering Authority, which will shock the conscience of this Court. Hence, the relief as sought for by the petitioner cannot be granted by this Court. It is left open to the petitioner to work out her remedy before the competent civil court and seek for appropriate relief and the civil court shall deal with the claim made by both parties on its own merits and in accordance with law without being influenced by the orders of either the Registering Authority or the Revenue Authorities or this Court.”



WEB COPY

3. The District Registrar or the Inspector General of Registration are not empowered to cancel the sale deeds, in view of the judgment rendered by the Division Bench in the case of ***M.Kathirvel vs. Inspector General of Registration¹***, wherein, Section 77A has been struck down. That apart, the Registration Department authorities cannot adjudicate title disputes. They can only consider the documents for the purpose of registration under the Registration Act, 1908. Contrarily, they cannot grant any declarations in respect of the civil rights of the parties, so also the Revenue Authorities under the Tamil Nadu Patta Pass Book Act, 1983. All such issues are to be resolved before the Competent Civil Court of Law.

4. The learned counsel for the appellant would contend that the order of the District Registrar and the Inspector General of Registration has been entered in the encumbrance, which may cause prejudice to the appellant in dealing with the property. However, perusal of the said endorsement would indicate that the Inspector General of Registration/Appellate Authority relegated the parties to settle the issues through Competent Civil Court of

¹ 2024 (4) CTC 769



Law. Such an entry cannot be construed as an impediment for the actual owner to deal with the property.

WEB COPY

5. However, in the present case, the ownership is in dispute. That being so, the parties have no option, but to redress their grievances by approaching the Competent Civil Court of Law. It is for the parties to convince the Registering Authority, if they otherwise entitled to register any document under the provisions of the Registration Act.

6. This Court is not expressing any opinion regarding the title/ownership dispute raised between the parties. As far as the endorsement in the encumbrance register is concerned, the said endorsement is no way connected with the title dispute, but it indicates that the parties have to resolve their dispute through Civil Court of Law. Thus, this Court do not find any infirmity in respect of the writ order impugned, which would also reiterates that the parties have to workout their remedy before the Civil Court of Law.

7. In the event of instituting any suit between the parties, the Civil Court



shall adjudicate the issues independently and uninfluenced by the

observations, if any made by the Registration Department authorities or in the

WEB COPY

writ order, which is impugned. Consequently, the Writ Appeal stands

dismissed. The connected Miscellaneous Petitions are closed. There shall be

no order as to costs.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

23-09-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Jeni

To

The Inspector General Of Registration
100, Santhome High Road,
Chennai- 600 028.



WEB COPY

WA No. 1695 of 2025



**S.M.SUBRAMANIAM J.
AND
MOHAMMED SHAFFIQ J.**

Jeni

WA No. 1695 of 2025

23-09-2025