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W.A.No.3791 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

W.A.No.3791 of 2024

and

C.M.P.No.29797 of 2024

1.L.Susheela

2.S.Malliga

... Appellants

Vs.

1.The State of Tamil Nadu

Represented by its Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

2.The District Registrar,

O/o. The District Registrar,
Thiruvallur – 602 001.

3.The Sub-Registrar,

Perambakkam Sub-Registrar's Office,
Thiruvallur District – 631 402.

4.The District Collector,

The District Collectorate,



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Thiruvallur – 602 001.

5.The Tahsildar, Thiruvallur Taluk,
Thiruvallur – 602 001.

6.E.Moorthy

7.Vijayalakshmi @ Gnanayaki

8.Devi

9.Madhavan

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 18.03.2024 in W.P.SR.No.164207 of 2023 on the file of this Court.

For Appellants	:	Mr.R.Selvakumar
For R1 to R3	:	Mr.B.Vijay Additional Government Pleader
For R4 and R5	:	Mr.T.Arun Kumar Additional Government Pleader
For R6 to R9	:	Mr.A.R.Suresh

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single



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Judge dated 18.03.2024 dismissing the writ petition in W.P.SR.No.164207 of 2023 even before numbering it, on the ground that such a writ petition is not maintainable.

2.The appellants before this Court as petitioners filed the writ petition for issuance of a Writ of Certiorari to call for the records relating to the registered document bearing Doc.No.30 of 2023 dated 04.01.2023 and the consequential documents bearing Doc.Nos.864 and 865 of 2023 dated 10.03.2023 on the file of the 3rd respondent in respect of the lands comprised in S.Nos.201 (83 cents), 214/1B (20 cents) and 200/1A (20 cents) in Kasavanallathur Revenue Village, Thiruvallur Taluk and District, and quash the same.

3.Brief facts that are necessary for the disposal of this Writ Appeal are as follows :

The 1st appellant has filed a Civil Suit in O.S.No.308 of 2006 on the file of the District Munsif Court, Thiruvallur, against the respondents 6 and 7. Similarly, the respondents 6 and 7 have filed a Civil Suit in O.S.No.200



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of 2007 on the file of the District Munsif Court, Thiruvallur, against the 1st appellant and her husband by name Lakshmanan. It is stated that the trial Court, by common judgment and decree, dismissed the suit filed by the private respondents and decreed the suit filed by the 1st appellant in O.S.No.308 of 2006. Aggrieved by the same, the respondents 6 and 7 have filed Appeals in A.S.Nos.1 and 2 of 2011 on the file of the Subordinate Court, Thiruvallur. Both the Appeals were allowed holding that the 1st appellant and her husband have no title to the property. Second Appeals in S.A.Nos.1210 and 1211 of 2013 were also filed by the 1st appellant and her husband and the husband of the 2nd appellant and the same are pending before this Court. The grievance of the appellants is that the respondents 6 and 7 have not only registered the judgment and decree in A.S.Nos.1 and 2 of 2011 vide Doc.No.30 of 2023, but have also registered subsequent documents conveying the property by respondents 6 and 7 in favour of respondents 8 and 9. Therefore, the appellants have filed the writ petition.

4. When the writ petition itself was posted for maintainability, the learned Single Judge held that the prayer cannot be conceded in view of the



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settled position and dismissed the writ petition at the SR stage itself.

Challenging the same, the above Writ Appeal is filed by the writ petitioners.

5.This Court has repeatedly held that the Sub-Registrar has no power to cancel a document once registered in accordance with law. In the present case, the appellants are claiming title and the Civil Suit filed by the appellants was dismissed as against the appellants in A.S.Nos.1 and 2 of 2011, and the Second Appeals filed by the appellants are only pending before this Court. Instead of praying for an injunction restraining the private respondents from alienating the property, in the pending Second Appeals, the appellants have filed the writ petition for prayers which cannot be conceded. Cancellation of a registered document at this stage or even after the disposal of the Civil Suit in favour of the appellants, is impermissible. This Court has repeatedly held that the Registration Act does not deal with the rights of parties. The registered documents are not going to affect the rights of the appellants, even assuming that the Second Appeals filed by them are allowed. The object behind the Registration Act is not to create title, but to record the transactions. On the settled legal



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principles and the judgments of this Court reiterating the scope of
Registration Act, this Court is unable to find any merit in this Writ Appeal.

6. Therefore, this Writ Appeal is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

(S.S.S.R., J.) (P.D.B., J.)
02.01.2025

mkn

Internet : Yes

Index : Yes

Neutral Citation : Yes

To

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