



WP.No.36246 of 2024

In the High Court of Judicature at Madras

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Reserved on : 17.4.2025	Delivered on: 23.4.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.36246 of 2024
& WMP.No.39120 of 2024

Dayana Rexaline rep.by her
power agent Mr.Anishkumar
Nagaraj

...Petitioner

Vs

1.The Inspector General of
Registration, 100, Santhome
High Road, Chennai-28.

2.Nandakumar
3.Audi Munuswamy

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the 1st respondent in passing of the order dated 23.5.2024 in No.35876/u1/2023 dated 23.5.2024 and quash the same.



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For Petitioner : Mr.S.R.Rajagopal, SC for
Ms.S.Shanmitha
For R1 : Mr.U.Baranidharan, SGP
For R2 & R3 : Mr.A.K.Sriram, SC for
Mr.D.Manimaran

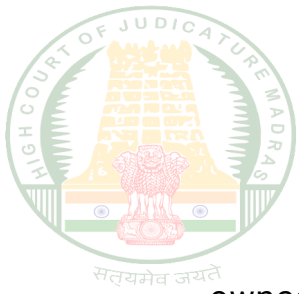
ORDER

The above writ petition has been filed challenging the proceedings of the first respondent dated 23.5.2024 directing the parties to work out their remedy before the competent civil court with respect to the challenge made to the documents executed on the side of the private respondents after interfering with the order passed by the District Registrar, Chengalpet dated 16.8.2023 wherein the documents were declared to be fraudulent.

2. Heard both.

3. The facts leading to filing of this writ petition are as follows :

(i) The properties (a) measuring 24 cents in S.No.53/16 and (b) measuring 7 cents in S.No.53/10A (subject properties), Thalambur Village, Chengalpet Taluk, Kancheepuram District were originally



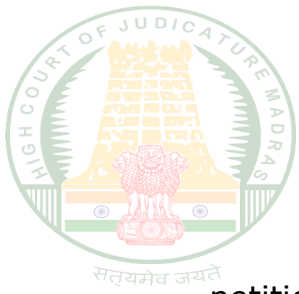
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owned by one Mrs.Samudra Rani by virtue of a partition deed dated 29.9.1950 registered as doc.No.970 of 1950 on the file of the Sub-Registrar, Thiruporur. Later, she entered into an agreement of sale with one Mr.Kothandam on 22.6.1961 agreeing to convey the subject properties. Since she did not come forward to execute the sale deed, a suit for specific performance came to be filed by the said Mr.Kothandam in O.S.No.346 of 1964 on the file of the District Munsif Court, Chengalpet. The said suit was decreed by judgment and decree dated 30.7.1964.

(ii) In furtherance of the said decree, a sale deed dated 20.7.1967 was executed in favour of the said Mr.Kothandam and it was registered as doc.No.836 of 1967 and thereby the subject properties in S.No.164/2/3 measuring an extent of 31 cents were conveyed. Later, the subject properties were purchased by one Mr.M.J.Rajarathinam, who is none other than the father of the petitioner, vide sale deed dated 17.11.1983 registered as doc.No.2248 of 1983.

(iii) At a later point of time, the said Mr.M.J.Rajarathinam settled the subject properties in favour of the petitioner vide settlement deed dated 09.7.2014 registered as doc.No.9745 of 2014. Thus, the



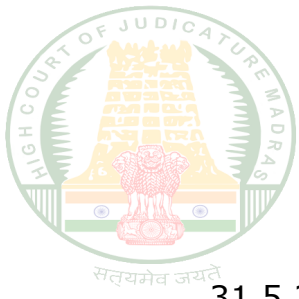
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petitioner is claiming to be the absolute owner of the subject properties. Further, the electricity service connection and the property tax assessment were all transferred in the name of the petitioner. The petitioner had also executed a general power of attorney deed in favour of one Mr.Anishkumar Nagaraj vide the deed dated 16.8.2021 registered as doc.No.12572 of 2021.

(iv) It came to the notice of the petitioner that the property in S.No.53/16 measuring 24 cents was dealt with by one Mrs.Velankanni and 5 others claiming to be legal heirs of the said Mrs.Samudra Rani by placing reliance upon UDR patta No.417 to trace their title. They also sold an extent of 20.57 cents out of 24 cents (property in question) in S.No.53/16 in favour of the second respondent vide sale deed dated 31.1.2012 registered as doc.No.816 of 2012. This document was executed when the entire extent of 31 cents had already been sold in favour of the petitioner's father as early as 1983 itself.

(v) That apart, there is absolutely no proof to show that the said Mrs.Velankanni and others were actually the legal heirs of the said Mrs.Samudra Rani. When the transaction of the year 2012 took place, the said Mrs.Samudra Rani was very much alive and she died only on



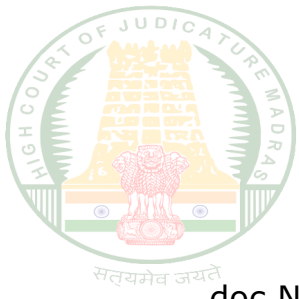
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31.5.2012 after the sale deed dated 31.1.2012 was executed in favour of the second respondent. On the strength of the sale deed executed in his favour, the second respondent entered into a sale agreement with one Mr.Lakshmanan on 10.8.2020 registered as doc.No.6746 of 2020.

(vi) The grievance of the petitioner is that the said Mrs.Samudra Rani also executed a power of attorney deed dated 21.6.2005 in favour of her grandson - one Mr.B.Amalraj registered as doc.No.1082 of 2005 on the file of the Sub-Registrar, Anna Nagar with respect to the subject properties measuring 31 cents. This was done only after the subject properties were already conveyed in favour of the said Mr.Kothandam on 20.7.1967 pursuant to the decree dated 30.7.1964 granted in the suit for specific performance.

(vii) On the strength of the power of attorney deed dated 21.6.2005, the said Mr.B.Amalraj, in his capacity as the power agent of the said Mrs.Samudra Rani, sold an extent of 24 cents in S.No.53/16 in the subject properties in favour of one Mr.Karuppiah vide sale deed dated 05.4.2006 registered as doc.No.3183 of 2006. The said Mr.M.Karuppiah, in turn, sold the same in favour of one Mr.Susil Adamseelan vide sale deed dated 03.7.2006 registered as



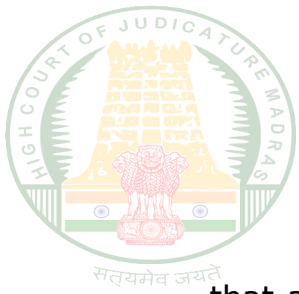
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doc.No.5845 of 2006. Further, the said Mr.Susil Adamseelan sold the said extent of 24 cents in favour of one Mr.Sanjay Kumar vide sale deed dated 16.5.2007 registered as doc.No.5291 of 2007. The said Mr.Sanjay Kumar executed a settlement deed dated 16.12.2009 registered as doc.No.4699 of 2009 and settled the said extent of 24 cents in S.No.53/16 in favour of one Mr.Sushil Lalwani.

(viii) By sending a representation to the Revenue Divisional Officer (RDO), Tambaram, the petitioner took steps to cancel the patta in patta No.417, which stood in the names of one Mr.Joshua Raj and six others and the patta came to be canceled by the RDO, Tambaram vide proceedings dated 27.1.2023 and patta No.4048 was issued in the petitioner's name for S.No.53/16 measuring 0-9.50 Ares. Thereafter, the petitioner filed a complaint before the District Registrar, Chengalpet seeking for cancellation of all the documents that were executed in the names of the private individuals from 2006 to 2020 on the ground that they are fraudulent documents.

(ix) Pursuant to that, a detailed inquiry was conducted by the District Registrar concerned and vide proceedings dated 16.8.2023, the documents executed from the year 2006 were cancelled in exercise of power under Section 77A of the Registration Act by holding



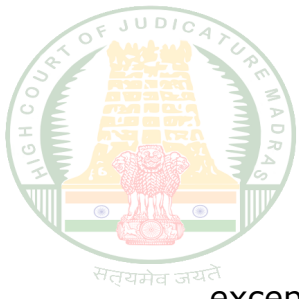
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that all those documents were vitiated by fraud. Challenging the order passed by the District Registrar concerned, respondents 2 and 3 filed an appeal before the first respondent. However, vide impugned proceedings dated 23.5.2024, the first respondent rendered a finding that there are some discrepancies with regard to the correlation of the survey number in the title documents with the paimash number, set aside the order dated 16.8.2023 passed by the District Registrar concerned and directed the parties to adjudicate their rights before the competent civil court and the revenue authorities. Aggrieved by that, the above writ petition has been filed.

4. The second respondent filed a counter affidavit wherein he took the following stand :

(i) He is the absolute owner of the property measuring 20.57 cents out of 24 cents in S.No.53/16 at Thalambur Village by virtue of the sale deed dated 31.1.2012 executed by the said Mrs.Velankanni and others, who are the legal heirs of the said Mrs.Samudra Rani. Paimash No.163/3B/1 is now correlated to S.No.53/16 whereas the petitioner is claiming a right for paimash No.164/2/3, which does not, in any way, correlate to S.No.53/16. This is in view of the fact that



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except in the settlement deed dated 09.7.2014 executed in favour of the petitioner, in none of the other title deeds, the survey number has been mentioned, but only the paimash number has been mentioned as 164/2/3.

(ii) The documents came to be executed consecutively from 2006 onwards and all of a sudden, the petitioner has approached the District Registrar concerned seeking for cancellation of all the documents. Vide proceedings dated 16.8.2023, the District Registrar concerned erroneously cancelled the documents in exercise of powers under Section 77A of the Registration Act. The petitioner has not established the documents in question as forged documents as is contemplated under Section 22B of the Registration Act. In view of the same, if at all the petitioner has to establish the right and title over the subject properties, she has to approach only the competent civil court and there is no scope for interfering with the order passed by the first respondent. Ultimately, the second respondent sought for dismissal of this writ petition.

5. When the matter came up for hearing on 25.2.2025, this Court expressed its mind stating that the order dated 16.8.2023



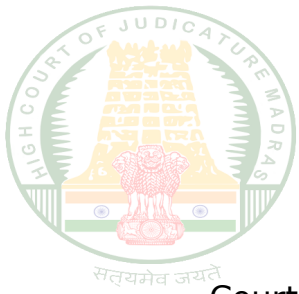
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passed by the District Registrar concerned under Section 77A of the Registration Act has become non-est in the eye of law in view of the judgment of the Division Bench of this Court in the case of ***M.Kathirvel Vs. Inspector General of Registration [reported in 2024 (4) CTC 769]*** declaring Section 77A of the Registration Act as unconstitutional. In view of the same, there is no need for this Court to go into the impugned order passed by the first respondent, which is only a consequential order pursuant to the order dated 16.8.2023 passed by the District Registrar concerned.

6. The learned Senior Counsel appearing on behalf of the petitioner made the following submissions :

The documents that were created in the names of the private respondents, on the face of it, are fraudulent documents and the Registering Authority failed in his statutory duty in properly identifying the parties and verifying the encumbrance certificate. It is a clear case of double documentation, which, on the face of it, is illegal. In view of the same, by relying upon the judgment of the Hon'ble Apex Court in the case of ***Asset Reconstruction Company (India) Limited Vs. S.P.Velayutham [reported in 2022 (8) SCC 210]***, this



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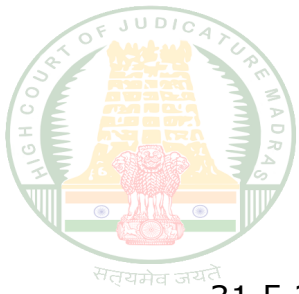
Court can exercise its jurisdiction under Article 226 of The Constitution of India (CoI) and strike down the registration of the documents on the ground of failure on the part of the Registering Authority to perform his duties within the boundaries of law.

7. In the light of the above submissions, this Court agreed to disregard the orders dated 16.8.2023 passed by the District Registrar concerned and the impugned order and go into the issue as to whether there were fraudulent transactions, which vitiate the very registration of the documents and consequently warrant exercise of jurisdiction under Article 226 of The CoI and strike down the registration of the documents.

8. The learned Senior Counsel appearing on behalf of the petitioner made the further submissions :

(i) Vide sale deed dated 31.1.2012, the second respondent purchased an extent of 20.57 cents out of 24 cents in S.No.53/16 from the said Mrs.Velankanni and others, who claimed to be the legal heirs of the said Mrs.Samudra Rani. However, on the date when it was executed, the said Mrs.Samudra Rani was alive and she died only on

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31.5.2012. But, the Registering Authority, without verifying the identity of the persons as is warranted under Sections 32 and 35 of the Registration Act, entertained the fraudulent sale deed dated 31.1.2012.

(ii) The collusive nature of the transaction was fortified by the fact that the third respondent attested as a witness to the subsequent sale agreement entered into by the second respondent with the said Mr.Lakshmanan whereas in the appeal that was contested before the first respondent, respondents 2 and 3 made their independent claims. There was no dispute regarding the correlation of the survey number with the paimash number and S.No.53/16 was actually correlated to paimash No.163/2/3. It was even recognized by the Revenue Authorities when the patta was issued in the name of the petitioner in patta No.4048. The very same property has been dealt with by the private individuals through impersonation and creation of fraudulent documents and the same requires the interference of this Court.

9. Per contra, the learned Senior Counsel appearing on behalf of respondents 2 and 3 made the following submissions :



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(i) The Hon'ble Apex Court, in the decision in the case of **S.P. Velayutham**, explained as to what constitutes a fraudulent transaction from paragraph 53 of the judgment. The case in hand will not fall within the ambit of the said judgment since there are disputed questions of fact involved. There is a dispute with regard to the identity of the property in question since the paimash number relating to S.No.53/16 correlates only to 163/3B1 whereas the petitioner, right through, is tracing the right and title in paimash No.164/2/3.

(ii) There is also a dispute with regard to the issue as to when the said Mrs.Samudra Rani died in this case. Even though the petitioner claimed that the said Mrs.Samudra Rani died only on 31.5.2012, there is no proof regarding the same. The petitioner is questioning the right and title of the vendors, who sold the extent of 20.57 cents out of 24 cents in S.No.53/16 to the second respondent on the ground that they are not the legal heirs of the said Mrs.Samudra Rani. Once again, there is a disputed question of fact and in view of the same, this case requires appreciation of evidence since multiple parties are claiming right and title over the subject properties. Hence, only the civil court will be competent to try the dispute and this exercise cannot be done by this Court under Article 226 of The CoI.



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10. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

11. In the case in hand, there is no need for this Court to go into the order dated 16.8.2023 passed by the District Registrar concerned under Section 77A of the Registration Act and also the impugned order passed by the first respondent in the appeal as against the order dated 16.8.2023 passed by the District Registrar concerned. This is in view of the fact that Section 77A of the Registration Act has been struck down as unconstitutional by a Division Bench of this Court in the case of **M.Kathirvel** and therefore, those orders have become non-est in the eye of law.

12. The only issue to be gone into in the instant case is as to whether the facts of the present case warrant the exercise of jurisdiction under Article 226 of The Constitution of India. For this purpose, this Court can straight away place reliance on the judgment of the Hon'ble Apex Court in the case of **S.P.Velayutham**, the relevant portions of which are extracted as hereunder :



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"53. Actually, the registration of a document comprises of three essential steps among others. They are,

(i) execution of the document, by the executant signing or affixing his left hand thumb impression;

(ii) presenting the document for registration and admitting to the Registering Authority the execution of such document; and

(iii) the act of registration of the document.

54. In cases where a suit for title is filed, with or without the relief of declaration that the registered document is null and void, what gets challenged, is a combination of all the aforesaid three steps in the process of execution and registration. The first of the aforesaid three steps may be challenged in a suit for declaration that the registered document is null and void, either on the ground that the executant did not have a valid title to pass on or on the ground that what was found in the document was not the signature of the executant or on the ground that the signature of the executant was obtained by fraud, coercion etc. The second step of presentation of the document and admitting the execution of the same, may also be challenged on the very same grounds hereinabove stated. Such objections to the first



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and second of the aforesaid three steps are substantial and they strike at the very root of creation of the document. A challenge to the very execution of a document, is a challenge to its very DNA and any defect or illegality on the execution, is congenital in nature. Therefore, such a challenge, by its very nature, has to be made only before the civil court and certainly not before the writ court.

55. The third step namely the act of registration, is something that the Registering Authority is called upon to do statutorily. While the executant of the document and the person claiming under the document (claimant) are the only actors involved in the first two steps, the Registering Officer is the actor in the third step. Apart from the third step which is wholly in the domain of the Registering Authority, he may also have a role to play in the second step when a document is presented for registration and the execution thereof is admitted. The role that is assigned to the Registrar in the second step is that of verification of the identity of the person presenting the document for registration.

56. Thus, the first two steps in the process of registration are substantial in nature, with the parties to the document playing the role of the lead



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actors and the Registering Authority playing a guest role in the second step. The third step is procedural in nature where the Registering Authority is the lead actor.

57. In suits for declaration of title and/or suits for declaration that a registered document is null and void, all the aforesaid three steps which comprise the entire process of execution and registration come under challenge. If a party questions the very execution of a document or the right and title of a person to execute a document and present it for registration, his remedy will only be to go to the civil court. But where a party questions only the failure of the Registering Authority to perform his statutory duties in the course of the third step, it cannot be said that the jurisdiction of the High Court under Article 226 stands completely ousted. This is for the reason that the writ jurisdiction of the High Court is to ensure that statutory authorities perform their duties within the bounds of law.

58. It must be noted that when a High Court, in exercise of its jurisdiction under Article 226 finds that there was utter failure on the part of the Registering Authority to stick to the mandate of law, the Court merely cancels the act of registration, but does not declare the very



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execution of the document to be null and void. A declaration that a document is null and void, is exclusively within the domain of the civil court, but it does not mean that the High Court cannot examine the question whether or not the Registering Authority performed his statutory duties in the manner prescribed by law.

59. It is well settled that if something is required by law to be done in a particular manner, it shall be done only in that manner and not otherwise. Examining whether the Registering Authority did something in the manner required by law or otherwise, is certainly within the jurisdiction of the High Court under Article 226. However, it is needless to say that the High Courts may refuse to exercise jurisdiction in cases where the violations of procedure on the part of the Registering Authority are not gross or the violations do not shock the conscience of the Court. Lack of jurisdiction is completely different from a refusal to exercise jurisdiction.

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61. Arguments were advanced on the question whether the Registering Authority is carrying out an administrative act or a quasi judicial act in the performance of his statutory duties. But we think it is not relevant for



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determining the availability of writ jurisdiction. If the Registering Authority is found to be exercising a quasi judicial power, the exercise of such a power will still be amenable to judicial review under Article 226, subject to the exhaustion of the remedies statutorily available. On the contrary if the Registering Authority is found to be performing only an administrative act, even then the High Court is empowered to see whether he performed the duties statutorily ordained upon him in the manner prescribed by law.

.....

64. Therefore, in the light of

(i) the Tamilnadu Registration Rules discussed above;

(ii) the statutory scheme of Sections 32 to 35 of the Act as well as other provisions as amended by the State of Tamilnadu; and

(iii) the distinction between a challenge to the first 2 steps in the process of execution of a document and the third step concerning registration, we are of the considered view that the Division bench of the High Court was not right in setting aside the order of the learned single Judge. If the Registering Officer under the Act is construed as performing only a mechanical role without any



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independent mind of his own, then even Government properties may be sold and the documents registered by unscrupulous persons driving the parties to go to civil court. Such an interpretation may not advance the cause of justice."

13. The above judgment of the Hon'ble Apex Court in the case of **S.P.Velayutham** was taken note of by the Division Bench of this Court in the case of **M.Kathirvel**, the relevant portion of which is extracted as hereunder :

"106. In Asset Reconstruction Company [India] Limited v. S.P.Velayutham reported in (2022) 8 SCC 210), the Hon'ble Supreme Court examined the validity of registration of a document of sale through Power of Attorney. A writ petition was filed by the appellant before the High Court to declare the act of the Sub Registrar in registering the Sale Deed executed by the Power of Attorney agent in favour of his son and daughter as null and void. Finding that the Power of Attorney Deed does not authorise the Power Agent to sell or encumber the property conveyed, the writ petition was allowed holding that there was failure on the part of the Registering Authority to follow the procedure prescribed under Sections 32 to 35 of the



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Registration Act. Though the appeal filed by the Power of Attorney Agent was allowed, on further appeal, the Hon'ble Supreme Court upheld the maintainability of the writ petition and restored the order of the learned Single Judge allowing the writ petition. The Hon'ble Supreme Court though held that the power to declare a document as null and void is within the exclusive domain of the Civil Court, observed that the High Court can still examine the question whether or not the Registering Authority performed his statutory duties in the manner prescribed by law while registering the document. It was held that it is within the jurisdiction of the High Court under Article 226 to examine whether the Registering Authority had acted in the manner as required in law while performing his statutory function. Even though Hon'ble Supreme Court in S.P.Velayutham's case [cited supra] referred to the judgment in Satyapal Anand's case, the Hon'ble Supreme Court observed that the decision in Satyapal Anand's case cannot be followed for the simple reason that the writ petitioner in that case, had accepted a compromise and then raised a dispute under the Cooperative Societies Act and thereafter, approached the High Court under Article 226 for a declaration which he could have sought only in the proceedings already instituted. The Hon'ble



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Supreme Court therefore held in favour of entertaining a writ petition. It was observed that even if the Registering Authority is performing only an administrative act, the High Court is empowered to see whether the Sub Registrar performs the duties statutorily ordered upon him in the manner prescribed by law.”

14. The above Division Bench judgment of this Court makes it abundantly clear that the High Court can examine the question as to whether or not the Registering Authority has performed the statutory duties in the manner prescribed under the Registration Act and the Rules framed thereafter and that it will be within the jurisdiction of the High Court under Article 226 of The CoI to examine the same.

15. The contours of such examination were explained by the Hon'ble Apex Court in the case of **S.P.Velayutham** wherein a three step formula was prescribed. The first step is as to whether the signature or the left hand thumb impression is that of the executant, who is intending to pass on the title in the property or whether such signature or thumb impression was obtained by fraud, coercion, etc. The second step is the presentation of the document and admitting the

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execution of the document, which can also be questioned on the very same grounds. The third step, which is the act of registration, is something that the Registering Authority is called upon to do statutorily under the Registration Act and the Rules framed thereunder. It was held that the first and the second steps are substantial and that they strike at the very root of the creation of the document.

16. Such a challenge, by its very nature, has to be made only before the civil court and certainly not before this Court. However, in so far as the third step is concerned, it is procedural in nature where the Registering Authority is expected to perform the statutory duty and if the same has not been done, this Court can always exercise its jurisdiction under Article 226 of The CoI and strike down/cancel the act of registration.

17. Here, the High Court does not go into the right and title over the subject properties and declare the documents as null and void. The High Court only goes into the question as to whether or not the Registering Authority has performed his statutory duty in the manner



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prescribed by law. Even while undertaking this exercise, the High Court can refuse to exercise its jurisdiction in cases where the violation of procedure on the part of the Registering Authority is not gross or it does not shock the conscience of the Court.

18. In the case in hand, the petitioner is tracing title through the registered sale deed dated 20.7.1967 registered as doc.No.839 of 1967 executed in favour of the said Mr.Kothandam pursuant to the decree dated 30.7.1964 passed in the specific performance suit in O.S.No.346 of 1964 on the file of the District Munsif Court, Chengalpet. On going through the description of the properties in the schedule that is available in the said decree dated 30.7.1964, it can be seen that the subject properties are identified as S.No.164/2/3 measuring an extent of 31 cents. Similarly, in the schedule mentioned in the sale deed dated 17.11.1983 registered as doc.No.2248 of 1983, it has been identified as S.No.164/2/3 measuring an extent of 31 cents. However, in the settlement deed dated 09.7.2014, for the first time, an extent of 31 cents namely S.No.53/16 measuring 24 cents and S.No.53/10A measuring 7 cents, is correlated to old paimash No.164/2/3 and new paimash No.163/3B1.



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19. In so far as the second respondent is concerned, reliance is placed upon the sale deed dated 31.1.2012 executed by the said Mrs.Velankanni and others. In this sale deed, the survey number has been mentioned as 53/16 measuring an extent of 20.57 cents out of 24 cents. Earlier, the patta stood in the name of one Mr.Kasuvaraj and six others in patta No.417 for S.No.53/16 measuring an extent of 9.50 Ares. Subsequently, the RDO, Tambaram, vide proceedings dated 27.1.2023, canceled the joint patta and directed the patta to be transferred in the name of the petitioner in S.No.53/16. Pursuant to that, patta No.4048 was issued in the name of the petitioner. After obtaining the patta, the petitioner gave the complaint before the District Registrar concerned, who canceled all the documents registered from the year 2006.

20. The main ground that was raised by the petitioner is that the property in question namely 20.57 cents out of 24 cents in S.No.53/16 has been dealt with in favour of the second respondent after the subject properties were already conveyed in favour of the petitioner's father by the said Mr.Kothandam vide sale deed dated 17.11.1983 registered as doc.No.2248 of 1983.

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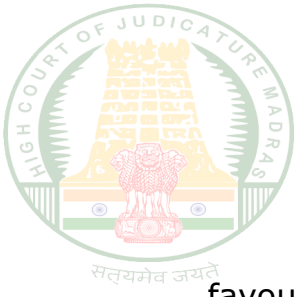
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21. The specific case of the petitioner is that S.No.53/16 is correlated to old paimash No.164/2/3 and new paimash No.163/3B1 whereas for the very same S.No.53/16, the second respondent is contending that the only paimash number available is 163/3B1 and paimash No.164/2/3 is, in no way, related to the property in question.

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



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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. The order dated 27.1.2023 passed by the RDO, Tambaram canceling the patta issued in favour of the said Mr.Kasuvaraj and others and granting the patta in favour of the petitioner has already been put to challenge by the second respondent by filing an appeal dated 16.9.2024 before the District Revenue Officer, Chengalpet and no orders have been passed in the said appeal, which is still pending. This is evident from the summons dated 10.10.2024 issued to the second respondent by the District Revenue Officer, Chengalpet to attend the inquiry.

25. The petitioner states that the said Mrs.Samudra Rani died only on 31.5.2012 i.e. much after the sale dated 31.1.2012 was executed in favour of the second respondent.



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26. However, there are no records available to substantiate the stand taken by the petitioner.

27. It is contended on behalf of the petitioner that the said Mrs.Velankanni and others are not the legal heirs of the said Mrs.Samudra Rani and their identity was not properly verified by the Sub-Register, Thiruporur. This is again a factual dispute and it cannot be gone into in a writ petition.

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



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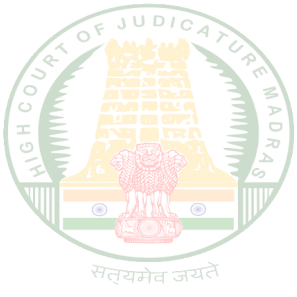
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29. As held by the Hon'ble Apex Court in the case of **S.P.Velayutham**, this Court is not inclined to exercise its jurisdiction in the instant case since there are very many disputed questions of fact involved. This Court does not find any gross violation 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.

30. For the foregoing reasons, the writ petition stands dismissed.
No costs. Consequently, the connected WMP is also dismissed.

23.4.2025

Index : Yes
Neutral Citation : Yes



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N.ANAND VENKATESH,J

RS

To
The Inspector General of
Registration, 100, Santhome
High Road, Chennai-28.

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23.4.2025