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WP.No.39558 of 2024

In the High Court of Judicature at Madras

Dated : 05.2.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.39558 of 2024

1.G.Kalpana
2.G.Daksshin

...Petitioners

Vs

1.The Inspector General of
Registration, Office of the
Inspector General of
Registration, No.100,
Santhome Road, Chennai-28.

2.The District Registrar,
Registration Department,
Sub-Registrar Office,
Thiruvallur.

3.The Sub-Registrar, Avadi
Sub-Registrar Office,
Avadi, Chennai.

4.K.Saravanan

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to enquire the petitioner's representation dated 16.11.2024 by calling necessary parties within the time limit that may be stipulated by this Court.



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For Petitioners : Mr.S.Saranraj
For R1 to R3 : Mr.K.Karthick Jagannath, GA

ORDER

The writ petition has been filed seeking a direction to respondents 1 and 2 to conduct an inquiry based on the representation sent by the petitioners dated 16.11.2024.

2. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for respondents 1 to 3.

3. The grievance expressed by the petitioners is that the fourth respondent, while dealing with his property, had intentionally taken the boundaries of the property belonging to the petitioners and incorporated the same in his document. As a result, he started claiming ownership over two cents of land, which actually belong to the petitioners. Based on the same, he has also filed a suit in O.S.No. 228 of 2024 on the file of the Sub-Court, Poonamallee. The petitioners came to know about the same only after receiving the notice in the said suit and after going through the plaint. It is under these circumstances, a representation has been dated 16.11.2024 to respondents 1 and 2 to conduct an inquiry. Hence the writ petition.



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4. The learned counsel for the petitioners submits that the fourth respondent is attempting to encroach the property belonging to the petitioners by making use of his documents.

5. In the considered view of this Court, no useful purpose will be served in directing respondents 1 and 2 to conduct an inquiry in this case. Since the civil suit is pending, respondents 1 and 2 will only relegate the parties to the civil court. Instead, this Court is inclined to safeguard the interests of the petitioners by making certain observations.

6. It is made clear that the right over the property has to be established by the fourth respondent independently and he cannot take advantage of the description of the property in the document that was registered before the third respondent.

7. It is submitted by the learned counsel for the petitioners that the petitioners are having sufficient documents to establish the boundaries to their property.

8. That being so, if the fourth respondent used those boundaries to describe his property, the same can be easily established by the



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petitioners before the Trial Court. It is also made clear that the Trial Court should not be swayed by the mere registration of the document before the third respondent. As contended by the petitioners, if the fourth respondent attempts to encroach the property belonging to them by making use of his documents, it is well open to the petitioners to file an appropriate application before the Trial Court where the suit is pending and seek for a restraint order against the fourth respondent.

9. The writ petition is disposed of in the above terms. No costs.

05.2.2025

To

- 1.The Inspector General of
Registration, Office of the
Inspector General of
Registration, No.100,
Santhome Road, Chennai-28.
- 2.The District Registrar,
Registration Department,
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RS

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