



W.A.(MD)No.403 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.403 of 2025
and
C.M.P.(MD)Nos.3169 and 3171 of 2025**

Selvam @ Bala Subramanian

... Appellant

Vs.

1.Venkatesh Kumar

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

3.The District Registrar,
Palani.

4.The Sub Registrar,
SRO, Palani.

5.The Sub Registrar,
SRO, Keeranoor.

6.The Inspeotr of Police,
Keeranoor.

... Respondents



W.A.(MD)No.403 of 2025

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.29588 of 2024 dated 09.12.2024 on the file of this Court.

For Appellant : Mr.Isaac Mohanlal, Senior Counsel,
For Mr.H.Thayumanaswamy.

For Respondents : Mr.S.Madhavan for R1.
Mr.S.Kameswaran,
Government Advocate for R2 to R5.
Mr.T.Senthilkumar,
Addl. Public Prosecutor for R6.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard the learned senior counsel for the appellant, the learned Government Advocate for the official respondents and the learned counsel for the first respondent / writ petitioner.

2.The appellant executed a deed of settlement in favour of his wife in respect of the petition mentioned property on 21.07.2022. It was presented for registration before the Sub Registrar, Palani. The registering authority appears to have insisted that the parent documents



W.A.(MD)No.403 of 2025

must be produced. The appellant had taken a stand that the parent documents are missing and filed non-traceable certificate issued by the police. It appears that the appellant has had some kind of transaction with the writ petitioner and the parent documents are with the writ petitioner. The writ petitioner complained to the jurisdictional police that the complaint that the documents are missing is false. Thereupon, non-traceable certificate was also cancelled on 07.10.2023. The appellant produced both the non-traceable certificate as well as the cancellation order. It is in this background, the document came to be registered. The writ petitioner thereupon submitted a representations dated 20.06.2024 and 07.10.2024 seeking enquiry under Section 77A of the Registration Act. It is seen that the writ petitioner also sought prosecution under Sections 83 and 84 of the Registration Act. This request was rejected by the District Registrar, Palani vide order dated 18.10.2024. Challenging the same, W.P.(MD)No.29588 of 2024 was filed.

3.The learned Single Judge took the view that the writ petitioner had actually sought only prosecution under Sections 83 and 84 of the Act



W.A.(MD)No.403 of 2025

and that the authority erroneously construed the same as if a request was made for cancellation of the document under Section 77A of the Registration Act. In that view of the matter, the order impugned in the writ petition was quashed and the second respondent was directed to conduct enquiry and pass an appropriate order under Sections 83 and 84 of the Registration Act, 1908. Thus, the writ petition was allowed vide order dated 09.12.2024. Questioning the same, this writ appeal has been filed.

4.It is seen that the writ petitioner has already filed O.S.No.338 of 2022 on the file of District Court, Dindigul for recovery of money from the appellant herein. It is a suit on promissory note. Since the writ petitioner's wife had already initiated civil proceedings against the appellant, it is only just and proper that the writ petitioner / his wife workout their remedy in the pending civil suit.

5.When the appellant herein had not only filed the non-traceable certificate but also the order cancelling the same, we are of the view that Sections 83 and 84 of the Registration Act may not be attracted. In this



W.A.(MD)No.403 of 2025

view of the matter, the order of the learned Single Judge is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.,) & (K.R.S. J.,)
01.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The Inspector General Registration,
100, Santhome High Road,
Chennai - 28.
2. The District Registrar,
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