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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2025

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THE HONOURABLE MS. JUSTICE P.T. ASHA

WP NO. 37036 of 2024

AND

**WMP NO. 40007 OF 2024, WMP NO. 1813 OF 2025, WMP NO. 40013
OF 2024**

K.P.Krishnamoorthy
S/o K.M. Perumal, No 27/8 Municipal Colony
Gandhi Nagar, Katpadi Taluk Vellore 636 006 and
another

Petitioner(s)

Vs

1. The District Registrar
The District Registrar Office, Velapadi, Vellore District
632 001
2. The Sub-registrar
Katpadi Sub-registrar Office, Katpadi, Vellore 632 007
3. The Gandhi Nagar Recreation Club
Represented By And Claiming Be The President, P.K. Sugumaran, Having
Office At No 16 2nd East Main Road, Gandhi Nagar, Vellore 632 006
4. M/s. Durai Murugan Educational Trust
Represented By Its Trustee K. Sangeetha W/o
D.M. Kathir Anand, Having Office At No 1
Chittoor Main Road, Katpadi, Vellore 632 009

Respondent(s)



For Petitioner(s):

C.V.Vijayakumar
D. Chitra Maragatham

For Respondent(s):

Mr.P.Harish Govt.Advocate For R1 & R2

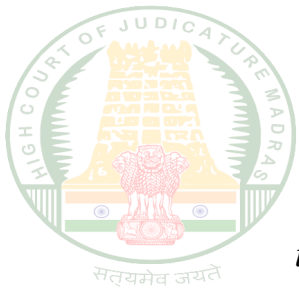
M/s.P.Wilson Associates For R4 Dt 27/01/2025

R1 To R3 Notice Sent Service Awaited

Pvt.Notice Permitted Proof Not Filed

ORDER

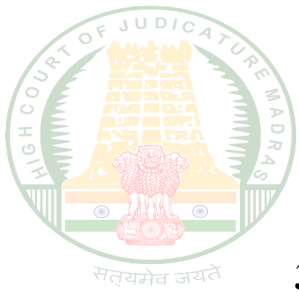
A perusal of the counter and the documents would clearly establish that the 2nd respondent/Sub Registrar Kadpadi appears to have acted for extraneous reasons. This is evident from the fact that the document which has been presented for registration by the 4th respondent would read that the lease is executed by the 3rd respondent/Gandhinagar Recreation Club bearing registration 132/2005 which is formerly known as a Township Recreation Club. The document that is appended to the lease deed, namely, the certificate of registration of societies does not contain such a statement. On the contrary, it appears to be a fresh registration in the name of the 3rd respondent Society. Added to that in the counter affidavit filed by the 2nd respondent he has stated as follows in para no.5:-



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"5. With regard to Para 8 of the affidavit, it is submitted that a Deed of Lease dated 02.08.2023 was presented by the authorities stating that the "The Gandhi Nagar Recreation Club" M/s.Township Recreation Club to be executed in favour of M/s.Durai Murugan Education Trust letting on lease of 23320 Sq.ft. of land in T.S.No.9 & 12 of Kalinjur Village for a period of 33 years was registered as document No.7638 of 2023."

2. A mere perusal of this sworn affidavit would clearly demonstrate that the Sub Registrar was very much aware of the fact that the lease deed has been submitted by a person who is not the owner of the property. There has been a dereliction of duty on the part of the 2nd respondent which has caused irreparable loss to the petitioner in as much as by reason of this lease deed which has been registered for the reasons best known to the 2nd respondent, the possession of the property has been taken over and construction was attempted to be put which has now been stayed by this Court as this Court has directed status quo to be maintained. However, considering the fact that the statutory authority has discharged his duties in violation of the legal framework and done so with impunity this Court directs the Inspector General of Registration, Chennai to initiate a disciplinary proceedings against the Sub Registrar, the 2nd respondent for this act and report compliance of such action having been initiated on 03.03.2025.

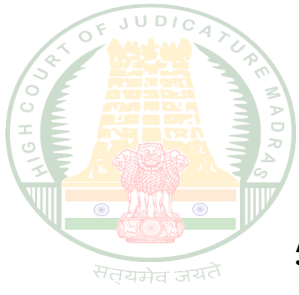


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3. The learned Senior Counsel for the petitioner would draw the attention of this Court to paragraph no.59 of the judgment of the Hon'ble Supreme Court reported in **(2022) 8 SCC 210 – Asset Reconstruction Company (India) Vs. S.P.Velayutham and Others**, wherein it has been observed as follows:-

“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.”

4. The Status quo already granted by this Court is extended until further orders and the property shall continue to remain vacant. A Xerox copy of the lease deed and all the attended documents filed for registration are retained by this Court and the original file is returned.



5. Post the matter on 03.03.2025.

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28.01.2025

To

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632 001.
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P.T.ASHA, J.

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