



W.A.No.1864 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No.1864 of 2022

and

C.M.P.No.13644 of 2022

K.K.Rajendran (Died)

1.Tamil Selvi

2.Sasikumar

3.Subha

...Appellants

Vs.

1.Arukkani

2.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.

3.The District Registrar,
Registration Department,
Namakkal, Namakkal District.



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4.The Sub Registrar,
Registration Department,
Pallipalayam Agraharam Village,
Thiruchengode Taluk,
Namakkal District.

5.M.Palaniammal

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order in W.P.No.29419 of 2013 dated 15.06.2022.

For Appellants	:	Mr.M.Guruprasad
For 1 st Respondent	:	Mr.N.Manokaran
For Respondents 2 to 4	:	Mr.L.S.M.Hasan Faizal, Additional Government Pleader
For 5 th Respondent	:	No appearance

J U D G M E N T

*(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)*

This case is a classic example of rampant corruption that exists in the
Registration Department.



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2. The 1st respondent had purchased an extent of 25 cents of land in S.No.197/1 within the specific four boundaries under a sale deed dated 23.12.2005 registered as Doc.No.2293 of 2005 on the file of the Sub-Registrar, Pallipalayam. The schedule of property in the said sale deed as evidenced by the Certified copy issued by the Sub-Registrar on 06.02.2006 reads as follows:

சொத்து விபரம் நாமக்கல் ரிடி,
பள்ளிபாளையம் சப்ரிடி, பள்ளிபாளையம்
அக்ரஹாரம் கிராமம் சர்வே எண் 197/1
நெ.பு.உறக.0.41.5க்கு பு.ஏ.1.02½க்கு தீர்வை
ரூ.1.60. இத்தீர்வை பெற்ற பூமியில் பு.ஏ.0.25
செண்டு விவசாய பூமி பூராவும் கிரையம்.
இதற்கு செக்குபந்தி சங்ககிரி ரோட்டுக்கும்
(கிழக்கு) எனக்கு ஜெனரல் பவர்
கொடுத்தவரின் விவசாய பூமிக்கும் (மேற்கு)
மற்றும் (வடக்கு) கந்தசாமி,
பொஞ்சாயம்மாள், முனியப்பன் இவர்கள்
பூமிக்கும் விவசாய பூமிக்கும் (தெற்கு).

3. Thereafter, the appellants herein had purchased an extent of 53 cents in S.No.197/1 and 19 cents in S.No.197/3 under the sale deed dated



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26.09.2007. Item No.1 of the schedule to the said sale deed dated 26.09.2007 is shown to be bounded on the West by Sankari Main Road.

However, the 1st respondent claimed that she has purchased the entire property abutting Sankari Main Road under the sale deed dated 23.12.2005 referred to supra, prevented the appellants from having access to the property purchased by them under the sale deed dated 26.09.2007. The appellants applied for another certified copy of the sale deed which was furnished on 07.12.2007. To their surprise they found that the description of property in the certified copy dated 07.12.2007 was altered and it read as follows:-

சொத்து விபரம் நாமக்கல் ரிடி,
பள்ளிபாளையம் சப்ரிடி, பள்ளிபாளையம்
அக்ரஹாரம் கிராமம், சர்வே எண் 197/1
நெ.பு.உறக.0.41.5க்கு பு.ஏ.1.02½க்கு தீர்வை
ரூ.1.60. இத்தீர்வை பெற்ற பூமியில் பு.ஏ.0.25
செண்டு விவசாய பூமி பூராவும் கிரையம்.
இதற்கு செக்குபந்தி - சங்ககிரி
ரோட்டுக்கும் (கிழக்கு) எனக்கு ஜெனரல்
பவர் கொடுத்தவரின் விவசாய பூமிக்கும்
(மேற்கு) வேலப்பன் பூமிக்கும் (வடக்கு)
கந்தசாமி, பொஞ்சாயம்மாள், முனியப்பன்



இவர்கள் பூமிக்கும் விவசாய பூமிக்கும்
(தெற்கு) இதன்மத்தியில் உள்ள பு.ஏ.0.25
செண்டு விவசாய பூமிபூராவும்.

4. In the above description the word 'மற்றும்' appearing between மேற்கு and வடக்கு was scored off and the word வேலப்பன் பூமிக்கும் were inserted. These corrections were numbered as correction Nos.4 and 5 in the certified copy issued on 07.12.2007. Claiming that such correction was unauthorized, the appellants filed a writ petition in W.P.No.11436 of 2008 seeking a prayer for direction to take action against the officials of the 3rd respondent for correction in the sale deed and for a direction to remove the additions shown in the certified copy.

5. The said writ petition was disposed of by this Court recording the fact that a criminal case in Crime No.46 of 2008 under Sections 120-B, 466, 468, 420 read with 511 of the Indian Penal Code have been registered against the four accused persons and it was pending before the learned Judicial Magistrate, Tiruchengode. The second prayer was allowed and the



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certified copy was directed to be issued. The writ Court while disposing of the writ petition also recorded the fact that there is a report of the enquiry officer which found that subsequent corrections have been made in the document without any authorization and based on the enquiry report a criminal case has been lodged. Thereafter, based on the enquiry report the District Registrar, Namakkal directed the corrections which were interlineated in the original sale deed to be deleted and the same should be made a foot note in the document by his letter dated 08.04.2013. The second paragraph of the said letter reads as follows:-

இந்நிலையில் மனுதாரர்கள் சென்னை உயர்நீதிமன்றத்தில் இது குறித்து வழக்கு தாக்கல் செய்து பரிகாரம் கேட்டுக்கொண்டனர். அதன்படி பார்வை 2ல் கண்ட தீர்ப்புரையின்படி நாமக்கல் மாவட்டம் பள்ளிபாளையம் சார்பதிவாளர் அலுவலகத்தில் பதிவு செய்யப்பட்ட ஆவண எண்.2293/2005ல் பதிவு சமயம் அலுவலகத்தில் தாக்கல் செய்த அசல் ஆவணம் மற்றும் நகலில் உள்ளபடியே தற்போதும் திருத்தம் செய்யப்பட்ட பகுதியை நீக்கி அசல் நகலில் உள்ளபடி சான்றிட்ட நகல் வழங்க உத்தரவிடப்பட்டுள்ளார்கள்.



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6. Pursuant to the said letter the following endorsement was made as a foot note in the sale deed dated 23.12.2005:

குறிப்பு:- சென்னை உயர்நீதிமன்ற ஆணை எண். W.P.No.11436/2008 நாள் 07.03.2018ன் படி நாமக்கல் மாவட்ட பதிவாளர் அவர்கள் கடித எண்.757/ஆ1/2008 நாள் 08.04.2013ன் படி ஆணைக்கிணங்க கீழ்க்காணும் குறிப்புகள் சேர்க்கப்படுகிறது.

“இந்தநகலில் கண்டுள்ள சொத்துவிவரத்தில் குறிப்பிடப்பட்ட வாரிபிளந்து எழுதப்பட்ட ஒரு செக்குபந்தியின் வாசகங்களான “வேலப்பன் பூமிக்கும் ” என்பது Foot Note-ல் உள்ள (4) அடித்தல் (5) வாரிபிளப்பு என்பது நீக்கம் செய்யப்படுகிறது. ஆவணபதிவு செய்யும் சமயம் தாக்கல் செய்த கோர்வை செய்யப்பட்ட நகலில் உள்ளவாறு இந்த செக்குபந்திகளான சங்ககிரி ரோட்டிற்கும் (கிழக்கு) எனக்கு ஜெனரல் பவர் கொடுத்தவரின் விவசாயபூமிக்கும் மேற்கு மற்றும் வடக்கு கந்தசாமி, பொஞ்சாயம்மாள், முனியப்பன் இவர்கள் பூமிக்கும் விவசாயபூமிக்கும் தெற்கு இதன் மத்தியில்



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உள்ள புஞ்சை ஏக்கர் 0.25 சென்ட் விவசாய
பூமிபூராவும் கிரயம் ” என்ற வாசகங்களை அந்த
ஆவணதிற்கு பொருந்தும் என குறிப்பு
சேர்க்கப்படுகிறது. அப்பம் சார்பதிவாளர் நாள்
12.4.2013. ”

7. The 1st respondent challenged the said action of insertion of the foot note in W.P.No.29491 of 2013 which came to be allowed by this Court holding that any corrections can be made only after the criminal proceedings are completed. Hence, this writ appeal.

8. We have heard Mr.M.Guruprasad, learned counsel appearing for the appellants, Mr.N.Manokaran, learned counsel appearing for the 1st respondent and Mr.L.S.M.Hasan Faizal, learned Additional Government Pleader appearing for the respondents 2 to 4. The 5th respondent is the vendor of the appellants.



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9. Mr.M.Guruprasad, learned counsel appearing for the appellants would vehemently contend that the fact that the corrections relating to the boundary in description of the property in the sale deed dated 23.12.2005 were inserted subsequently after the registration of the instrument is clearly borne out by the records. The learned counsel would heavily rely upon the certified copy of the said instrument that was issued by the very same office on 06.02.2006 which does not contain the two corrections viz., the scoring off of the word 'மற்றும் ' and insertion of the words 'வேலப்பன் பூமிக்கும் ' between the words 'மேற்கு' and 'வடக்கு' in the document. By altering the boundary description of the property, the very location of the property has been changed which could not have been done without the connivance of the officials of the Registration Department.

10. The registration manual which serves as a guide to the Registrars contains detailed instructions as to how corrections and interlineations should be numbered and certified by the Registrars. The instruction No.878 which deals with notes on interlineations and *erasures* reads as follows:-



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878. (a) *Notes of interlineations, erasures, or alterations in documents or in endorsements thereon shall be so prepared as to show precisely what word or words have been interlined or altered and the places in which erasures or blanks occur. In the majority of cases the simplest plan is to underscore the particular word or words, and to write the letters (a), (b), (c), (d), etc., above with corresponding foot-notes preceded by the expression “In document, interlineations, etc.”*

(b) *Similar notes shall also be made in regard to interlineations and erasures in the copy of document. The particular word or words interlined or erased shall in the copy, be flanked by brackets and the figures (1), (2), (3), (4), etc., entered above the bracketed portions, corresponding foot-notes being added, preceded by the expression “In copy, interlineations, etc.”*

(c) *When an erasure or an interlineation extends beyond one line, the entire erasure or interlineation shall be denoted by a single figure which shall be repeated on each line over the middle of the erased or interlined portion.*



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11. A reading of the above instruction shows that the corrections will have to be numbered in seriatim and that shall be certified at the end of the instrument. We have summoned the original of the Book-I in which the Doc.No.2293/2005 had been filed from the office of the 3rd respondent. We find that the corrections that are attached as subsequent introduction bear the serial numbers as (4) and (5), they appear in the first page of the instrument. But, subsequent corrections made in the document are numbered as Sl.Nos.(1), (2) and (3) which are in the latter part of the document. This by itself is sufficient to conclude that the corrections which are now attached have been made subsequently after the registration of the instrument and after the issuance of the certified copy dated 06.02.2006. Similarly while the corrections and interlineations in the document are extracted at the end of the document the said instrument reads as follows:-

ஆவணத்தில் வரிபிளப்பு இல்லை நகலில்
(1)(2)(3) (4) அடித்தல் (5) வரி பிளப்பு.



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12. After the numerals (1), (2) and (3) the words அடித்தல் has been scored off to accommodate the subsequent corrections viz., (4) and (5). It is therefore very clear that the words (4) அடித்தல் (5) வரி பிளப்பு have been subsequently included and there is significant difference in the handwriting also, only to make it appear that the corrections were made even at the time when the document was registered.

13. The Court exercising jurisdiction under Article 226 of the Constitution of India cannot be oblivious to such malpractice, particularly in the office of the Registrars, who are supposed to maintain a record of transactions relating to immovable properties, which have become very valuable today. The fact that the additions or corrections have been subsequently incorporated is borne out from the records. To use the tamil saying அவை உள்ளங்கை நெல்லிக்கணி போல் தெரிகிறது.

14. The original Book-I which has been produced before us demonstrates that these corrections in the boundary recitals have been



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incorporated subsequently after the issuance of certified copy on 06.02.2006. This conclusion of ours is further strengthened by the notice issued by the 1st respondent through her learned counsel in which the boundary description of the property purchased by her under the sale deed dated 23.12.2005 is shown as follows:

DESCRIPTION OF PROPERTY

*Namakkal R.D., Pallipalayam S.R.D.,
Pallipalayam Agraharam Village, Patta No.749,
S.No.197/1, Punjai Hectare 0.41.5 for this Punjai
Acre 1.02-1/2, Asst. Rs.1.60 in this Punjai acre 0.25
within the following boundaries;*

East of Sankari road,

West and North of Muniappan's land,

*South of the lands of Kandasamy,
Ponjayammal and Muniappan.*

With all easementary rights appended thereto.

*The property situate within the limits of
Pallipalayam Agraharam Panchayat.*



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15. The said notice is dated 21.01.2013. It is therefore clear that the correction Nos.4 and 5 in the original sale deed dated 23.12.2005 have been carried out at the instance of some person who wanted to meddle with the property with the active connivance and collaboration of the officials of the Registrar office at Pallipalayam.

16. It is high time that this Court steps in, to correct such mishaps in a very important branch of the Government viz., the Registration Department. No doubt, a criminal case has been launched. The writ Court need not wait for the conclusion of the criminal case because the standard of proof required in a criminal proceeding is completely different and proof beyond doubt sometimes proves elusive. We are therefore convinced that these corrections have been made subsequently and the District Registrar was right in incorporating the note as found in his letter dated 08.04.2013.

17. Even from the counter affidavit filed in W.P.No.11436 of 2008 it is seen that the Inspector General of Registration has directed the District



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Registrar, Namakkal to initiate criminal proceedings because it was found that the interlineations were introduced subsequently. We are therefore unable to sustain the conclusions of the learned Single Judge that the District Registrar should have waited till the conclusion of the criminal case.

18. In view of the above conclusion of ours based on the documents that are made available, we have to necessarily intervene with the order of the writ Court and the writ appeal is, therefore, **allowed**. The endorsement made in the document by the order of the District Registrar dated 08.04.2013 shall remain in the document and they shall not be struck off as directed by the learned Single Judge. The order of the learned Single Judge is set aside and the writ petition in W.P.No.29419 of 2013 will stand dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

19. We need not be unduly worried about this malpractice, as of



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today, since the documents presented for registration now are scanned and such manipulations have become almost impossible.

(R.S.M., J.) (R.S.V., J.)
26.07.2024

dsa
Index : No
Internet : Yes
Neutral Citation : No
Speaking order



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To:-

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- 1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.
- 2.The District Registrar,
Registration Department,
Namakkal, Namakkal District.
- 3.The Sub Registrar,
Registration Department,
Pallipalayam Agraharam Village,
Thiruchengode Taluk,
Namakkal District.



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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

dsa

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