

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.10.2017

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM
and
THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

W.P.No.3390 of 2017

Mr.N.Ashok Kumar

[Petitioner]

Vs

1. The Inspector General of Registration
Santhome
Mylapore Chennai - 600 004
2. District Registrar Chennai South
(Administration)
Saidapet Chennai - 600 015
3. Joint I Sub Registrar Chennai South
Saidapet Chennai - 600 015
- 4.Sowkath
- 5.Rahpath
- 6.Ishrath
- 7.Azura
- 8.Hasmath

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India, to call for the records of the 1st respondent in proceedings No.4844/A3/2016 dated 27.10.2016 and quash the same as illegal, arbitrary and nonest in law, in so far as the impugned order of the 1st respondent declining to cancel fraudulent and forged registration of sale deeds dated 28.12.2017 bearing Doc. No.3532/1957 dated 12.03.1959 bearing document No.448/1959 and bearing document No.108/1960 dated 23.01.1960 registered in the office of Joint Sub Registrar No.II, Saidapet and consequently direct the 1st respondent to cancel the registration of fraudulent documents in accordance with Circular

No.67 dated 03.11.2011 issued by the 2nd respondent.

For Petitioners : Mr.S.Parthasarathy
Senior Counsel
for Mr.V.Lakshmi Narayanan

For Respondents : Mr.R.Vijayakumar, AGP for R1 to R3
Mr.V.Shanmugam for R4

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the proceedings No.4844/A3/2016 dated 27.10.2016 and quash the same as illegal, arbitrary and non-est in law, in so far as the impugned order of the 1st respondent declining to cancel fraudulent and forged registration of sale deeds dated 28.12.2017 bearing Doc. No.3532/1957 dated 12.03.1959, bearing document No.448/1959 and bearing document No.108/1960 dated 23.01.1960 registered in the office of Joint Sub Registrar No.II, Saidapet and consequently direct the 1st respondent to cancel the registration of fraudulent documents issued by the 2nd respondent by way of issuing a certiorarified mandamus in view of the Circular No.67 dated 03.11.2011.

2.The senior counsel appearing for the petitioner has contended that certain fictitious documents have been created and those documents are non-est in law. Under such circumstances, a proceeding has been initiated in No.4844/A3/2016 by the first respondent. But the first respondent, after giving a necessary finding to the effect that all the documents in question are fraudulent documents, has not passed appropriate order, by way of saying that an First Information Report is pending and also Civil Suit is pending. Under such circumstances, the impugned order passed by the first respondent is liable to be quashed.

3. The learned Additional Government Pleader has contended to the effect that on 20.10.2017, the Government of Tamil Nadu has issued a circular, wherein, it has been clinchingly stated that Circular No.67 dated 03.11.2011 has already been withdrawn.

4. The learned counsel appearing for the fourth respondent has also equally contended to the effect that in respect of a similar issue, Original Suit No.9476 of 2011 is pending on the file of the III Assistant Judge, City Civil Court, Chennai. Likewise, Original Suit No.126 of 2009 is pending on the file of the VII Assistant Judge, City Civil Court, Chennai. Since the Civil Court is having jurisdiction to decide the real issue involved between the parties, the relief sought in the writ

petition has become infructuous.

5.It is an admitted fact that the first respondent in Proceedings No. 4844/A3/2016 dated 27.10.2016 has found that the documents in question are fraudulent documents. However, he has not passed appropriate orders in view of the pendency of the First Information Report as well as Civil Suit.

6.It is an admitted fact that for deciding the real issue between the parties, two suits are pending before civil forums.

7.Considering the fact that two suits are pending between the parties for deciding the similar issue, this Court is of the view that relief sought in the petition need not be granted. Therefore, the present writ petition deserves to be dismissed.

In fine, the writ petition is dismissed without costs, as infructuous.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

gpa

To

1. The Inspector General of Registration
No.100, Santhome High Road
Chennai - 600 028
2. The District Registrar, Chennai south (Administration)
Saidapet, Chennai-15
3. The Joint Sub Registrar, Chennai south,
Saidapet, Chennai-15

1 cc to C.VEERA RAGHAVAN Advocate SR.NO. 75368

1 cc to V.Shanmugham ADVOCATE SR.NO. 75657

W.P.No.3390 of 2017

RD 21/11/2017