

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 16.10.2019

CORAM:
THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN
Writ Petition No.11000 of 2018
and
W.M.P.No.12904 of 2018

M.Dhamothiran ... Petitioner

Versus

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai- 600 028.
2. The Secretary to the Government of Tamil Nadu,
Department of Revenue,
Fort St.George, Chennai.
- 3.The District Collector,
O/o. The District Collector,
Villupuram.
- 4.The District Registrar,
O/o. The District Registrar, Thindivanam,
Villupuram District.
5. The Tahsildar,
O/o. Vanur Tahsildar,
Vanur Taluk,
Villupuram District.
6. The Sub Registrar,
Vanur Sub Registrar Office,
Vanur, Villupuram District.
7. Village Administrative Officer,
karasanur Village,
Vanur Taluk,
Villupuram District.

8. Mrs.Kannammal
9.Mrs.Muthammal ... Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, against the order of 5th respondent culminating in his proceedings dated 28.03.2017 in Na.Ka.No.A3/3465/2016 and to call for the records and quash the same.

For Petitioner	..Mr.M.Kavikannan
For R1,R4 and R6	..Mr.T.M.Pappiah,Spl.Govt.Pleader
For R2,R3,R5 and R	..Mr.N.Inbanathan,Addl.Govt.Pleader

O R D E R

The prayer of the writ petition is against the order of 5th respondent culminating in his proceedings dated 28.03.2017 in Na.Ka.No.A3/3465/2016 and to call for the records to quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The petitioner herein obtained an order from the Magistrate Court declaring Vengaiyammal, W/o.Muthu Gounder died on 06.10.99 by producing 'Emakariya Pathirikai' whereas, the enquiry conducted by the Revenue Tahsildar, Vanur has disclosed that the said Vengaiyammal died only on 26.10.2001 and her death was duly registered by the Village Administrative Office, Karisanoor.

4. Based on the recommendation of the Tahsildar dated 28.3.2017, the District Registrar has considered the records and has found that the petitioner herein has created fake records and got order from the Magistrate Court in C.M.P.No.382/11 on the file of the Judicial Magistrate, Vanur as if the said Vengaiyammal died on 16.10.1999.

5. This Court having sensed fraud has been committed, directed the Judicial Magistrate, Vanur to produce the documents filed by the petitioner for getting declaration regarding the death of Vengaiyammal as 06.10.1999. Unfortunately, due to effects of time, those records were sent for consignment and the Judicial Magistrate has enclosed the District Gazette and the Circular indicating that the records pertaining to CMP.No.382/11 were destroyed and duly notified in the District Gazette dated 16.01.2017.

6. A perusal of the non-traceable certificate indicates that the petitioner herein has sought for details of Death Register of the year 2001 for which, the Tahsildar as respondent that there is no entry of Vengaiyammal Death in the Register

whereas, the death certificate issued by the V.A.O based on the records maintained by the Karisanoor village indicates that the Vengaiyammal died on 26.10.2001 at Karisanoor village and the same was registered in Registration No.14 on 30.10.2001. Therefore, there is no error in the order of the 5th respondent to interfere contrarily. It is a clear case of fraud committed by the petitioner herein creating false Death Certificate of Vengal Ammal based on the 'Emakariya Pathirikai' and non-traceable certificate issued by the Tahsildar.

7. Hence, while dismissing the Writ Petition, the 5th respondent is permitted to initiate criminal prosecution against the petitioner for creating records using forged documents.

8. With these observations, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

-Sd/-
Asst.Registrar (CS IV)

/true copy/
Sub Asst. Registrar

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To

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Vanur Sub Registrar Office,
Vanur, Villupuram District.

7. The Village Administrative Officer,
karasanur Village,
Vanur Taluk,
Villupuram District

+2 ccs to Mr.M.Kavikannan Advocate sr86740
+1 cc to the government Pleader sr86905

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