

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.16459 of 2018

S.Gulzar Begum

.. Petitioner

/versus/

- 1.The Inspector General of Registration,
100, Santhome High Road,
Santhome,
Chennai-600 004.
- 2.The District Assistant Superintendent of Police,
Office of the District Assistant Superintendent of Police,
Villupuram.
- 3.The District Collector,
Villupuram District.
- 4.The Sub-Registrar,
SRO Avaraipakkam,
Senji Road,
Tindivanam.
- 5.The District Registrar,
District Registrar Office,
Perumalkovil Street,
Tindivanam.
- 6.The Tahsildar,
Taluk Office,
Nehru Street, Tindivanam

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation dated 02.04.2018 and cancel the Sale deed dated 01.03.2018 at the earliest.

For petitioner : Mr.S.Madharkhan
For Respondents : Mr.T.M.Pappiah
Spl.Govt.Pleader for R1, R3 to R5
Mr.J.Purushothaman
Govt.Advocate for R2 & R6

O R D E R

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1, 3 to 5 and the learned Government Advocate for the respondents 2 and 6.

2. The petitioner alleging that based on the forged death certificate of Mohammed Eesak, brother of the petitioner has fraudulently executed a sale deed on 01.03.2018 in favour of one Elango. Since, the said sale deed dated 01.03.2018 is based on the forged and fabricated documents, the present writ petition is filed to consider the representation of the petitioner dated 02.04.2018 to cancel the sale deed dated 01.03.2018.

3. In the writ petition neither the brother of the petitioner Abdul Razak nor the purchaser Elango, who are the necessary parties arrayed as respondents.

4. Hence, the prayer in the writ petition cannot be entertained, since the petitioner has not impleaded the necessary parties. Further, the Sub-Registrar who has registered the sale deed, was not the competent authority to cancel the sale deed duly registered. If the petitioner herein is of the opinion that his brother has fabricated the documents and alienate the property fraudulently, same has to be agitated before the criminal Court or in the civil suit. Before the Registrar the said issue cannot be tested under Section 83 of the Registration Act, if there is any material to show the registration is vitiated by an act of impersonation or fraudulent, the concern Sub-Registrar may conduct enquiry.

5. Hence, while dismissing the writ petition, the Court gives liberty to the petitioner herein to prefer a complaint before the Sub-Registrar under Section 83 of the Act regarding the alleged registration of fraudulent documents. If there is any material, the Sub-Registrar shall entertain the complaint and pass appropriate orders in accordance with law.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Inspector General of Registration,
100, Santhome High Road,
Santhome,
Chennai-600 004.
- 2.The District Assistant Superintendent of Police,
Office of the District Assistant Superintendent of Police,
Villupuram.
- 3.The District Collector,
Villupuram District.
- 4.The Sub-Registrar,
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District Registrar Office,
Perumalkovil Street,
Tindivanam.
- 6.The Tahsildar,
Taluk Office,
Nehru Street, Tindivanam

+1cc to Government Pleader SR.NO. 95091
+1cc to Mr.S.Madharkhan, Advocate sr.94913

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