

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.25537 of 2019

Malini B.Lulla

... Petitioner

/versus/

1.The District Registrar (Admn),
South Madras,
Panagal Building,
Saidapet,
Chennai-600 015.

2.The Sub Registrar,
Selaiyur,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents to consider and pass order on the petitioner representation dated 08.07.2019.

For Petitioner : Mr.B.Anand
for V.Balaji

For Respondents : Mr.T.M.Pappiah
Spl.Govt.Pleader

सत्यमेव जयते
O R D E R

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2. The grievance of the petitioner herein is that the third parties have forged her signature and got document Nos.13389/2017 and 13717/2017 registered in the office of SRO, Selaiyur by impersonation. When this came to the knowledge of the petitioner, she gave a complaint to the 1st respondent regarding the forgery and impersonation in respect of her property bearing Plot Nos.118, 119 and 120 Madambakkam Village, Saidapet Taluk.

3. Based on her complaint, the District Registrar made a detailed enquiry and passed order holding that the entries made under document Nos.13389/17 and 13717/17 are fraudulently registered by impersonation. The District Registrar has also directed the SRO to record the same and not to register any documents pursuant to those two documents, which has been declared as forged. Accordingly, the Sub Registrar has recorded in the schedule (II) about the fraudulent registration of two documents. Now the petitioner herein contends that instead of deleting the entry of document Nos.13389 and 13717/17, only a foot note is given. The foot note will create doubt to the subsequent purchaser and it will reduce the marketable value of the property. Therefore, those entries of transaction pertaining to two documents 13389 and 13717/17 has to be deleted.

4. The learned Special Government Pleader would submit that since the document has already been registered and form part of the record, pursuant to the order dated 24.12.2018 foot note is given showing these documents are fraudulent documents registered through impersonation. The proceedings is also recorded in the register and the fact is made part of the record.

5. In future, due to instructions of the District Registrar no person can derive title through those two documents which are declared as fraudulent. At the same time, the petitioner herein who is held as true owner of the property has every right to transfer and register. This is also made clear in the order passed by the District Registrar vide order dated 24.12.2018. Therefore, the learned Special Government Pleader would submit that there is no prejudice would be caused to the petitioner herein by the entries regarding the property. The apprehension of the petitioner that the same will reduce the market value of the property is ill found.

6. This Court agrees with the learned Special Government Pleader. Once the entry is made in the register whether rightly or wrongly, that cannot be deleted but any rectification or change in the record, the said change should be entered subsequently. The Sub Registrar has done the same and in fact it will enhanced the clarity of the title held by the petitioner. If the prayer of the petitioner is accepted the registration of the fraudulent document as well as subsequent cancellation of fraudulent document will not form part of the register. This may cause inconvenience and create dispute to the petitioner's title in future. Now if somebody going to act upon the document Nos.13389 and 13717/17, which has now declared as void and executed by impersonation, he cannot claim himself as bonafide purchaser.

7. Hence this Court finds no merit in the writ petition and the same is dismissed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The District Registrar (Admn),
South Madras,
Panagal Building,
Saidapet, Chennai-600 015.

2.The Sub Registrar,
Selaiyur,
Chennai.

+1cc to the Government Pleader Sr.85102

+1cc to Mr.V.Balaji, Advocate Sr.83933

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Srg 04/11/2019

सत्यमेव जयते

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