



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.25526 of 2019

K.Thavamani

.. Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road, Chennai.

2.The District Registrar,
Thenkarai, Periyakulam Taluk,
Theni District.

3.The Sub-Registrar,
O/o. The Sub-Registrar,
Cumbum, Theni District.

4.Veerammal

5.Muthaiah

6.Iyyer

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing 2nd respondent to take appropriate action under Section 82 and 83 of the Registration Act and as per the Circular Letter No.41530/UI/2017, dated 08.11.2017 for the unilateral illegal forged deed entered bearing document Nos. vide document Nos.1/2388/17, No.1/2389/17 and No.1/2390/17, dated 03.07.2017 on the file of the 3rd respondent thereby considering the petitioner's representation, dated 12.11.2019.

For Petitioner : Mr.U.Antony Santhosh

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

This writ petition is filed for a direction to the second respondent to take appropriate action under Sections 82 and 83 of the Registration Act and as per the Circular Letter No. No.41530/UI/2017, dated 08.11.2017 for the unilateral illegal



forged deed, dated 03.07.2017 on the file of the 3rd respondent.

2.The second respondent is the District Registrar. The petitioner states that her husband purchased an extent of 606 $\frac{1}{4}$ sq. feet of land out of 2.47 Acres in S.No.1220 of Keelakoodalur, Anna Nagar, Uthamapalayam and conveyed the same to her by way of a settlement on 16.02.2018. It is stated that the 4th respondent is disturbing her possession.

3.The petitioner's case is that the fourth respondent along with her husband purchased an extent of 4 cents in 1960, but has obtained patta for an extent of 4 $\frac{1}{2}$ cents on the basis of a fraudulent partition deed, dated 30.07.2017, showing larger extent in her holding. Admittedly, the petitioner is not a party to the document registered as partition deed. In such circumstances, the document which is referred to by the petitioner is not binding. The petitioner can independently establish her title even if the document executed by third parties is registered.

3.Sections 82 and 83 of the Registration Act reads as follows:

82. Penalty for making false statements, delivering false copies or translations, false personation and abetment - Whoever -

(a) Intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act? or

(b) Intentionally delivers to a Registering Officer in any proceeding under [this Act or the rules made there under] 18 a false copy or translation of a document or a false copy of a map or plan? or

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act? or

(d) abets anything made punishable by this Act? shall be punishable with imprisonment of a term which may extend to seven years, or with fine, or with both.

83. Registering Officer may commence prosecutions

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(1) A prosecution for any offence under this Act coming to the knowledge of a Registering Officer in his official capacity may be commenced by or with the permission of the Inspector General, the



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Registrar, or the sub registrar, in whose territories, district or subdistrict, as the case may be, the offence has been committed.

(2) Offences punishable under this Act shall be triable by any court or officer exercising powers not less than those of a Magistrate of the Second Class."

4.The petitioner probably wants to rely upon Section 82(a) which speaks about that person intentionally makes any false statement before any Officer acting in execution of Registration Act, in any proceeding or enquiry under the Act. It has been repeatedly held by this Court that the Registering Officer has no power to enquire into the title. The enquiry relates to the identity of the persons who is shown as a party to the instrument. If the statement is made to impersonate any person, it is a matter which false within the scope of Section 82 of the Registration Act. In the present case, the petitioner's allegation is that the 4th respondent and others who are parties to the subsequent document which is questioned by the petitioner have shown larger extent than the property purchased by their predecessor in interest in 1960.

5.Having regard to the scope of enquiry contemplated under the Registration Act before registering a document and Rule 55 of the Rules framed under the Registration Act, this Court is unable to find any justification to entertain the present writ petition. It is made clear that the petitioner is not even a party to the document. In such circumstances, the document which is registered in 2017 is not binding on the petitioner and the petitioner's title can be independently established by other documents. Hence, the petitioner has no legal injury or genuine grievance to approach this Court. Hence, this writ petition is devoid of merits.

6.Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

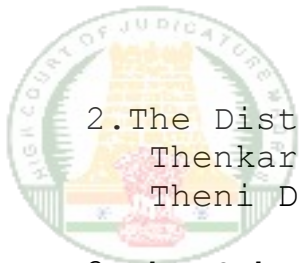
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Sub Assistant Registrar (CS)

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To

1.The Inspector General of Registration,
Santhome High Road, Chennai.



2.The District Registrar,
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Theni District.

3.The Sub-Registrar,
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+1 CC to MR.SPL GP (SR-103108[F] dated 03/12/2019)

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