



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.09.2020**

CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD) No.11225 of 2020

V.Alagar

... Petitioner

Vs

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Mullimanagar, Raja Annamalaipuram,
Chennai - 28.

2.The District Registrar,
Office of the Registrar,
Sivagangai District, Sivagangai.

3.The Joint Sub Registrar No.2,
O/o.The Joint Sub Registrar,
Melur Main Road, Sivagangai,
Sivagangai District.

4.Poongothai

5.Purusothaman

6.Rajendran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second and third respondents to cancel the fraudulent sale deed dated 24.03.2020 in document No.1457 and document No.1195 dated 29.05.2020 based on the petitioner's representation dated 17.03.2020 and 04.08.2020.

For Petitioner : Mr.PR.Boomee Rajan

For R1 to R3 : Mr.K.Sathiya Singh,
Additional Government Pleader

ORDER

This Writ Petition is filed seeking for a direction to direct the respondents 1 to 3 to cancel the fraudulent sale deeds, dated 24.03.2020 in Document No.1457 and Document No.1195, dated 29.05.2020, based on the representations, dated 17.03.2020 and 04.08.2020.

2.Mr.K.Sathiyasingh, learned Additional Government Pleader, takes notice for the respondents 1 to 3. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.



3.The learned counsel appearing for the petitioner submitted that the petitioner as well as the fourth and fifth respondents are engaged in business, namely, 'SPA' Enterprises and they entered into a joint venture contract agreement and the same was registered vide document No.101 of 2002, on 25.11.2002. In this regard, some properties were purchased by the petitioner as well as the fourth and fifth respondents. Consequently, they suffered loss and thereafter, one of the partners selvam died. Later, the petitioner came to know that the fourth and fifth respondents sold the property to the sixth respondent without getting his consent, through registered sale deeds dated 24.03.2020, in Document Nos.1457 and 1195, dated 29.05.2020. Therefore, the petitioner made a representation, dated 04.08.2020 to the respondents, to cancel the sale deeds, which were executed by the fourth and fifth respondent without knowledge or consent of the petitioner. Since no action has been taken, the petitioner has filed this present writ petition.

4. The learned Additional Government Pleader, on instructions, submitted that the District Registrar enquired into the petition mentioned sale deeds, which are executed in favour of the sixth respondent. The allegation made in this petition is not covered under the Registration Act and Rules. It is purely civil in nature. He further submitted that if the registration of sale deed is fraudulent, the petitioner can establish his rights before the Civil Court for cancelling the registered sale deed.

"Section 82 of the Tamil Nadu Registration Rules :

82.Penalty for making false statements, delivering false copies of translations, false personation, and abetment : whoever

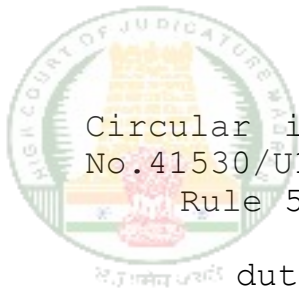
(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under this Act or the rules made thereunder 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 preceding or enquiry under this Act; or

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

5.The allegation found in the representations of the petitioner does satisfy Rule 55 of the Registration Rules and



Circular issued by the Inspector General of Registration, Letter No.41530/U1/2017, dated 09.04.2018.

Rule 55 of the Tamil Nadu Registration Rules, reads as follows:

"55. It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but, he is bound to consider objections raised on any of the grounds stated below:

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;

(d) that the executing party is not really dead, as alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic."

6.Thus the petitioner has not convinced the Court that the grounds raised in the complaint would satisfy the parameters of the aforesaid Rule as well as Circular. Unless, the complaint of the petitioner has made out a case that the documents registered by the respondents 4 and 5 are forged, the respondent cannot invoke the power under Rule 55 extracted above.

7.The allegation of the petitioner is that the fourth and fifth respondents sold the property to the sixth respondent without getting consent and thereby committed fraud on the Registration Department is not covered under the aforesaid Rule. The petitioner can seek his remedy only before the competent Civil Court. This Court is not inclined to entertain this petition and the same is liable to be dismissed.

8.Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

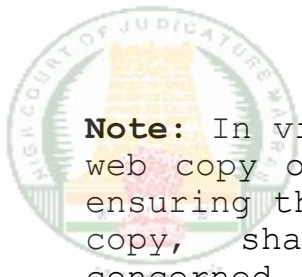
// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Mullimanagar, Raja Annamalaipuram,
Chennai - 28.

2.The District Registrar,
Office of the Registrar,
Sivagangai District, Sivagangai.

3.The Joint Sub Registrar No.2,
O/o.The Joint Sub Registrar,
Melur Main Road, Sivagangai,
Sivagangai District.

+1 CC to M/s.GP (SR-16474[F] dated 10/09/2020)

+1 CC to M/s.PR BOOMEERAJAN, Advocate (SR-16574[F] dated 11/09/2020)

W.P. (MD) No.11225 of 2020
09.09.2020

KG(CO)
AP(07/10/2020) 4P 6C