



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.14004 of 2020

WEB COPY

M.R.Rajasekaran

... Petitioner

-Vs-

1.The Inspector General of Registration,
No.100, Santhome High Road, Chennai-600 028.

2.The Deputy Inspector General of Registration,
Integrated Complex, Rajakambiram,
Y.Othakkadai, Madurai.

3.The District Registrar,
Virudhunagar Registration District,
Virudhunagar District.

4.The Sub-Registrar,
Pandalkudi Sub Register Office,
Pandalkudi, Aruppukkottai Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents herein to launch the criminal prosecution as per Section 83 of the Registration Act, 1908, on the basis of the petitioner's representation dated 04.09.2020 within the stipulated period fixed by this Court.

For Petitioner : Mr.R.Rajaraman
For Respondents : Mr.K.Sathya Singh,
Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition seeking a direction to the respondents to launch the criminal prosecution as per Section 83 of the Registration Act, 1908, (hereinafter referred to as 'the Act') on the basis of the petitioner's representation dated 04.09.2020, within the stipulated period fixed by this Court.

2.According to the petitioner, he is the owner of the property in Survey No.65/4 to the extent of 1 Acre 98 Cents in document No.229 of 1994. A third party, who is in possession and enjoyment of the property in Survey No.65/3 to the extent of 1 Acre 53 Cents, has fraudulently registered the petitioner's property as per the parent document No.450 of 1967 at the office of Pandalkudi



Sub-Registrar office.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to Section 83 of the Act and would submit that as per Section 83 of the Act, the registering officers have the power to file the criminal case against the person, who involved in fraudulent registration.

4.Mr.K.Sathya Singh, learned Additional Government Pleader appearing for the respondents drew the attention of this Court to the circular of the Office of the Inspector General of Registration, dated 09.04.2018 and to Section 68(2) of the Act.

5.For the sake of convenience, Section 68(2) of the Act, is extracted hereunder:-

"68.Power of Registrar to superintend and control Sub-Registrars.-

(2)Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered."

6.It is stated by the learned counsel appearing for the petitioner that instead of Survey No.65/3, the property of the petitioner in Survey No.65/4 has been registered. Based on which, a third party is demanding right over the property.

7.This Court is of the considered view that since serious allegations are made against the authorities concerned, an enquiry shall be conducted, appropriate action to be taken, and in the enquiry, the persons, who are going to be affected shall also be heard. If there is any error, it is open to the authorities to rectify it in terms of Section 68(2) of the Act. But, if there is any wilful act, certainly, appropriate action, including criminal action will have to be taken against the Sub-Registrar in terms of Section 83 of the Act. No third party right shall be created in respect of S.No.65/4, till the issue is decided.

8.Accordingly, this Writ Petition stands disposed of. No costs.

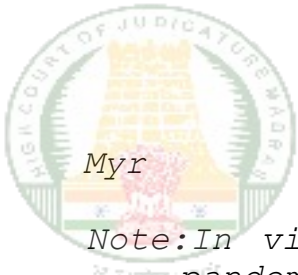
Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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.

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
- 2.The Deputy Inspector General of Registration,
Integrated Complex, Rajakambiram,
Y.Othakkadai, Madurai.
- 3.The District Registrar,
Virudhunagar Registration District,
Virudhunagar District.
- 4.The Sub-Registrar,
Pandalkudi Sub Register Office,
Pandalkudi, Aruppukkottai Taluk,
Virudhunagar District.

+1 CC to M/s.R. RAJARAMAN, Advocate (SR-19528[F] dated 09/10/2020)

+1 CC to M/s.GP (SR-19577[F] dated 09/10/2020)

Order made in
W.P. (MD) No.14004 of 2020
08.10.2020

SJ(CO)
TR(22.10.2020) 3P 7C