



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16939 of 2020

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Pommuraj

...Petitioner

-Vs-

1.The District Registrar,
Registration Department,
District Registration Office,
Periyakulam, Theni District.

2.The Sub Registrar,
Aandipatti Sub Registrar Office,
Aandipatti, Theni District.

3.Velandi

4.Sivakumar

...Respondents

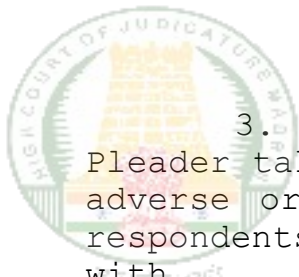
Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the first and second respondents to take appropriate action under Section 82 and 83 of the Registration Act, 1908 and as per circular issued by the Inspector General of Registration, Chennai in Letter No.41530/U1/2017 dated 08.11.2017 by considering the petitioner's representation dated 09.03.2020 for the fraudulent registration on the petitioner's property in S.No.294/1, 294/3 and 323/5 of Theppampatti Village within a time frame as fixed by this Court.

For Petitioner	:	Mr.S.Sukumar
For R1 and R2	:	Mr.K.Sathiya Singh Additional Government Pleader.

ORDER

This writ petition has been filed to direct the first and second respondents to take appropriate action under Section 82 and 83 of the Registration Act, 1908 and as per circular issued by the Inspector General of Registration, Chennai in Letter No.41530/U1/2017 dated 08.11.2017 by considering the petitioner's representation dated 09.03.2020 for the fraudulent registration on the petitioner's property in S.No.294/1, 294/3 and 323/5 of Theppampatti Village within a time frame as fixed by this Court.

2. By consent of both parties, this writ petition is taken up final disposal at the stage of admission itself.



3. Mr.Mr.K.Sathiya Singh, learned Additional Government Pleader takes notice for the first and second respondents. Since no adverse order is going to be passed against the third and fourth respondents, notice to the third and fourth respondents is disposed with.

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4. According to the petitioner, his grandfather, namely Velandi, is the owner of the property in Survey Nos.294/1, 294/3, 232/5, 165/4, 195/115, 195/145, 200/5, 238/7 of Theppampatti Village, Aandipatti Taluk, Theni District vide patta No.927. The petitioner is the legal heir of the said Velandi. While so, the third respondent had fraudulently executed a settlement deed dated 23.11.2015 in respect of the property in S.No.294/1, 294/3 and 323/5 in favour of the fourth respondent. To cancel the said forged document, the petitioner gave a representation dated 09.03.2020 to the first and second respondents. But the same is not considered so far. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

5.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.

6.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.

7.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."

8. 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 after taking note of the various circulars after affording an opportunity to the petitioner as well as the third and fourth respondents and the persons, who are going to be affected. 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 and if the complaint given the petitioner is found to be false, criminal action shall be initiated against the petitioner.

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

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 District Registrar,
Registration Department,
District Registration Office,
Periyakulam, Theni District.
2. The Sub Registrar,
Aandipatti Sub Registrar Office,
Aandipatti, Theni District.

+1 CC to M/s.GP (SR-23307[F] dated 30/11/2020)

+1 CC to M/s.S.SUKUMAR, Advocate (SR-23280[F] dated 30/11/2020)

W.P. (MD) No.16939 of 2020

27.11.2020

VR(CO)

AP(10/12/2020) 3P 5C