



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.17818 of 2020

and

W.M.P. (MD) .No.14854 of 2020

WEB COPY

Chandrasekar

... Petitioner

-Vs-

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.

3.The District Registrar,
District Registrar Office,
3rd Street, Masilamanipuram,
Thoothukudi-628 008.

4.The Revenue Divisional Officer,
Thiruchendur,
Thoothukudi District.

5.The Sub-Registrar,
Alwarthirunagar Sub-Registrar Office,
Thiruchendur Main Road,
Alwarthirunagari,
Thoothukudi District-628 612.

6.The Tahsildar,
Eral Taluk,
Thoothukudi District.

7.The Village Administrative Officer,
Nalumavadi,
Thoothukudi District.

8.Narasimma Pandian

9.Murugesha Pandian

10.Kishore

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 7 to cancel the forged Sale Deed registered vide Doc No.858/2020 on the file of the 5th respondent dated 10.11.2020, comprised in Survey No.224/1 to an extent of 28 cents, Survey No.224/2 to an extent of



33 cents and Survey No.224/9 to an extent of 33 cents totally an extent of 94 cents in Patta No.3177, situated at Naalumavadi Village, Earal Taluk, Thoothukudi District based on the petitioner's representation dated 28.11.2020.

WEB COPY

For Petitioner : Mr.S.Mandhiralingeswaran
For Respondents : Mr.K.P.Krishnadoss
1, 2, 4, 6 &7 : Special Government Pleader
For Respondents : Mr.K.Sathiya Singh
3 and 5 : Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition seeking a direction to the respondents 1 to 7 to cancel the forged Sale Deed registered vide Doc No.858/2020 on the file of the 5th respondent dated 10.11.2020, comprised in Survey No.224/1 to an extent of 28 cents, Survey No.224/2 to an extent of 33 cents and Survey No.224/9 to an extent of 33 cents totally an extent of 94 cents in Patta No.3177, situated at Naalumavadi Village, Earal Taluk, Thoothukudi District based on the petitioner's representation dated 28.11.2020.

2. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel for the petitioner as well as Mr.K.P.Krishnadoss, learned Special Government Pleader appearing on behalf of the respondents 1, 2, 4, 6 and 7 and Mr.K.Sathya Singh, learned Additional Government Pleader appearing on behalf of the respondents 3 and 5. Since no adverse order is going to be passed against the private respondents, notice to the respondents 8 to 10 is dispensed with.

4. According to the petitioner, the petitioner's father is the owner of the property in Survey No.224/1 to an extent of 28 cents, Survey No.224/2 to an extent of 33 cents and Survey No.224/9 to an extent of 33 cents totally an extent of 94 cents in Patta No.3177. At this juncture, the 8th respondent herein, who is the brother of his father, has fraudulently executed a settlement deed with regard to the above said property in favour of the 10th respondent on 10.11.2020 vide Doc No.858/2020 in a forged manner.

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 3 and 5 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.It is stated by the learned counsel appearing for the petitioner that a third party is demanding right over the property in question.

9.This Court is of the considered view that since serious allegations are made against the eighth respondent as well as 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. While conducting the enquiry, notice has to be served to the eighth respondent, so that, he will have defence to put forth his case.

10. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

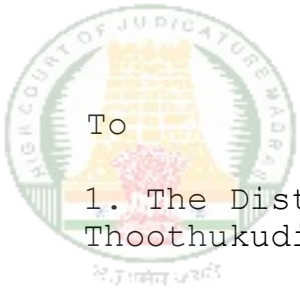
// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Collector,
Thoothukudi District, Thoothukudi.

2. The District Revenue Officer,
Thoothukudi, Thoothukudi District.

3. The District Registrar,
District Registrar Office,
3rd Street, Masilamanipuram,
Thoothukudi-628 008.

4. The Revenue Divisional Officer,
Thiruchendur, Thoothukudi District.

5. The Sub-Registrar,
Alwarthirunagar Sub-Registrar Office,
Thiruchendur Main Road,
Alwarthirunagari,
Thoothukudi District-628 612.

6. The Tahsildar,
Eral Taluk, Thoothukudi District.

7. The Village Administrative Officer,
Nalumavadi,
Thoothukudi District.

+1CC to M/s.SPL GP, SR.No.24597 dated 09/12/2020

W.P. (MD) No.17818 of 2020
08.12.2020

SRK(CO)
KB(05.01.2021) 4P 9C