



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18854 of 2020

R.Ganesan

... Petitioner

-Vs-

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

2.The District Registrar,
District Registrar's Office,
Near Combined Court Complex,
Cantonment,
Trichirappalli-620 001.

3.The Sub-Registrar,
Woraiyur,
Sub Registrar's Office,
No.25, Annamalai Nagar,
Woraiyur, Trichy- 620 102.

4.R.Manickam

5.D.Rajasekar

6.R.Kannan

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to commence appropriate prosecutionary actions against the respondents 3 to 6 upon the complaint/representation of the petitioner dated 22.10.2020 regarding the offences committed by the third respondent in connivance with the respondents 4 to 6.

For Petitioner

: Mr.K.S.Kathiravan

For Respondents 1 to 3

: Mr.K.Sathiya Singh,

Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition seeking a direction to the respondents 1 and 2 to commence appropriate prosecutionary actions against the respondents 3 to 6 upon the complaint/representation of the petitioner dated 22.10.2020 regarding the offences committed by the third respondent in connivance with the respondents 4 to 6.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.Sathya Singh, learned Additional Government Pleader, who took notice for the respondents 1 to 3. Since no adverse order is going



to be passed against the respondents 4 to 6, notice to them is dispensed with.

3. By consent, the writ petition is taken up for disposal at the admission stage itself.

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4. According to the petitioner, he is the owner of the property in Old Survey No.58, New Survey No.58/29 to an extent of Acre 0.92 Cents situated at Koppu Village of Srirangam Taluk, Trichirappalli District and the same was devolved upon the petitioner by registered sale deed dated 18.09.2013 in Document No.6486/2013. In the year 2013, he executed a Power-of-Attorney deed dated 04.10.2013 by nominating the fourth respondent herein as his Power Agent. Thereafter, in order to sell the same, the said land was divided into a total of 24 plots. 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. The fourth respondent executed fraudulent sales to third parties and immediately, he cancelled the Power-of-Attorney and thereafter, the fourth respondent fraudulently executed a sale deed in favour of the fifth respondent herein. After the registered cancellation of the Power-of-Attorney, it is not known as to how the third respondent registered any such document. Thereafter, the fifth respondent executed a sale deed in respect of the subject property to the sixth respondent, who is none other than the brother of the fourth respondent, which is also registered as Doc.No.5431/2016 in the office of the third respondent. This would expose the conspiracy between the respondents 4 to 6 with the official respondent, ie., the third respondent in registering the documents which is bad in the eye of law. Hence, the petitioner filed a suit against those persons before the District Munsif, Trichirappalli for the relief of declaration that the alleged deeds executed between the respondents 4 to 6 herein are null and void and other reliefs and it was numbered as O.S.No.650/2017 and the same was transferred to the file of the District Munsif Court, Srirangam and renumbered as O.S.No.822 of 2019 and pending for trial as on date. Therefore, the petitioner sent a representation dated 22.10.2020 to the respondents 1 and 2 to take appropriate action against the fraudulent persons. Since no action has been taken, the petitioner has approached this Court.

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 1 to 3 drew the attention of this

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



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 due to the fraudulent registration, third parties demanding right over the petitioner's property.

9.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. The said exercise shall be done within a period of six months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar ()

// 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 Inspector General of Registration,
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Woraiyur Sub Registrar's Office,
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Woraiyur, Trichy- 620 102.

+1CC to M/s.SPL GP,SR.No.26591 dated 21/12/2020

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18.12.2020

SV2 (CO)
KB(20.01.2021) 4P 5C