



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.2845 of 2021

P.Bharani

... Petitioner

Vs.

1. The Inspector General of Registration  
100, Santhome High Road  
Registration Department  
Santhome, Mylapore  
Chennai - 600 004.
2. The Deputy Inspector General of Registration  
Registration Office, Multicomplex  
Mannarpuram  
Tiruchirapalli.
3. The District Registrar  
District Registration Office  
Ariyalur  
Ariyalur District.
4. The Sub Registrar  
Office of the Sub Registrar  
Perambalur  
Perambalur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents not to register any document in respect of property comprised in S.No.8/18 of Thirumangalam Village, Perambalur SRO, Perambalur District by considering the petitioner's representation dated 09.01.2021.

For Petitioner : Mr.N.Palanivel

For Respondents : Mr.T.M.Pappiah  
Special Government Pleader [R1, R2]



## ORDER

WEB COPY The case of the petitioner is that a certain extent of property in S.No.8/18 of Thuraimangalam Village, Perambalur Taluk was purchased by his father one Pichaalu in 1979, in which, a portion of property was sold out and only 0.15 cents was in his occupation. His allegation is that some third parties, who are real estate agents have executed a forged sale deed in the subject property on 18.01.2008 Vide document No.296/2008, with the help of the 4<sup>th</sup> respondent. Subsequently, on 03.03.2008, yet another sale deed was fraudulently executed as concerning the said property Vide Document No.1649/2008, and that both these sale deeds came to be cancelled on 05.03.2008 Vide Document Nos.1760/2008.& 1759/2008 respectively. Meanwhile, the petitioner's father had passed away on 31.07.2020, leaving behind his mother, 2 sisters and himself as legal heirs. Apprehending that their property would be encroached by third parties, the legal heirs of Pichaalu, have approached the respondents herein with their representations dated 30.11.2020 and 09.01.2021, requesting them not to register the subject property in question in favour of any third parties, and that the said representations were neither acknowledged nor replied to by the respondents. Hence, this petition.

2. Heard Mr.N.Palanivel, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for the respondents.

3.1 Fundamentally, this Court cannot restrain the statutory authority from discharging his statutory responsibility. It may be seen from the case of the petitioner that certain sale deeds were fraudulently executed by some strangers in 2008, and even according to the petitioner, those sale deeds came to be cancelled in the same year. Given the fact that the alleged fraudulent act by third parties had taken place some 13 years from now, this Court does not have any material to justify in presenti ground for petitioner's apprehension.

3.2 As already outlined, while this Court cannot direct the statutory authority from performing his/her statutory duties, the registration authority are instructed to hold a preliminary enquiry as to the identity of the parties in terms of Section 34 (3) and 35(2) of the Registration Act, and shall also receive such documents identifying the party, satisfy themselves adequately before proceeding with the registration of any documents so presented before him/her.



4. The writ petition is disposed of in the manner indicated.  
No costs.

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Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

DS

To:

1. The Inspector General of Registration  
100, Santhome High Road  
Registration Department  
Santhome, Mylapore  
Chennai - 600 004.
2. The Deputy Inspector General of Registration  
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Office of the Sub Registrar  
Perambalur  
Perambalur District.

+1cc to Mr.N.Palanivel, Advocate, S.R.No.9730

W.P.No..2845 of 2021

DS (CO)  
TE (27/04/2021)