

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.8181 of 2021
& WMP No.8733 of 2021

1.Doshini
2.Mohan

...Petitioners

-Vs-

1.The Inspector General of Registration,
Santhome,
Chennai-600 028

2.The District Registrar,
Chennai North, Kuralagam,
Chennai-600 104.

3.The Sub -Registrar,
Thiruvottiriyur,
Chennai-600 019.

4.G.Selvaraj

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to conduct enquiry into the complaint of the petitioner dated 11.03.2021 and consequently cancel the registration entry to the forged Power of Attorney dated 16.03.2020 bearing Document no.2073 of 2020 on the file of the third respondent and to forward appropriate complaint against the fourth respondent and others for their prosecution.

For Petitioner : MrT.Sai Krishnan
For Respondents : Mr.T.M.Pappiah,
Spl.G.P for RR1 to 3

ORDER

The petitioner seeks an enquiry into the complaint dated 11.03.2021 alleging that the Power of Attorney dated 16.03.2020, registered as document no.2073 of 2020 on the records of the third respondent has been forged. He also seeks a consequential cancellation of the registration entry of the said document.

2. According to the petitioners, 1st petitioner is the original owner of certain residential property situated in S.No.75/1B, Puzhal Panchayat Union, North Chennai Registration District. While so, the 4th respondent herein, fabricated the documents and got registered a power of attorney as if executed by the 1st petitioner in his favour vide document No.2073 of 2020, dated 16.03.2020. Immediately after coming to know the same, the 1st petitioner settled the property in favour of the 2nd petitioner by way of registered document No.2430 of 2021. Thereafter, the petitioners made a representation to the respondents 1 to 3, seeking to take appropriate action against the 4th respondent and to cancel the so-called power of attorney and since no action is forthcoming, the petitioners are before this Court.

3.Mr.T.M.Pappiah, learned Special Government Pleader entered appearance for the respondents 1 to 3.

4.The law is well settled vide authoritative pronouncement of the Hon'ble Supreme Court in "Satya Pal Anand vs State Of M.P. and others" [(2016) 10 SCC page 767], that once the registration of the document is completed in terms of the provisions of the Registration Act, it is not open to any authority under the Act of 1908 to cancel the registration. The remedy of appeal provided under the Act of 1908, in Part XII, in particular Section 72, is limited to the inaction or refusal by the Registering Officer to register a document. The power conferred on the Registrar by virtue of Section 68 cannot be invoked to cancel the registration of documents already registered. The validity of such registered document can, indeed, be put in issue before a civil Court of competent jurisdiction. Therefore, if the petitioner has to challenge the settlement deed in question, he may have to approach the appropriate civil Court for remedy.

5. Turning to the prayer sought for a direction to hold an enquiry within the meaning of Section 82 r/w 83 of the Registration Act is concerned, even though these provisions would only deal with the prosecution for creating false documents and even though the scope of operation of these provisions is limited, the Sub-Registrar may still hold an enquiry for the limited purpose of Sections 82 r/w 83 of the Registration Act.

6.Therefore, this Court directs the 3rd respondent to hold an enquiry after issuing notice to all the parties who are likely to be affected by his decision, and provide them a fair and effective hearing, and dispose of the matter through a speaking order within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of accordingly. No costs.
Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
Santhome,
Chennai-600 028

2.The District Registrar,
Chennai North, Kuralagam,
Chennai-600 104.

3.The Sub -Registrar,
Thiruvottiriyur,
Chennai-600 019.

+1cc to Mr.T.Saikrishnan, Advocate SR.No. 20939
+1 cc to Government Pleader Sr.No. 21943

W.P.No.8181 of 2021

A.SK(11.06.2021)



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