



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2021

WEB COPY

C O R A M

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.12506 of 2021

S. Velayutham

... Petitioner

Vs

1. The District Registrar
O/o.The District Registrar,
Kallakurichi District.
2. The Sub Registrar
O/o.The Sub Registrar
Vadaponparappi,
Sankarapuram Taluk,
Kallakurichi District.
3. Annapoorani
4. Vasuki
5. Chandira
6. Rajendran
7. Pichaikaran
8. Dhanakotti
9. Anandhan
10. Raja

... Respondents

Writ Petition filed under Article 226 of the Constitution of India pleased to issue a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 10.05.2021 to cancel the registered sale deed in Document No.983/2021 dated 19.04.2021 on the file of the 2nd respondent executed by the respondents 3 to 7 in favour of the respondents 8 to 10.



For Petitioner

... Mr.G.Balamanikandan

For Respondents

... Mr.S.John J. Raja Singh
Govt.Advocate (Civil side)

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O R D E R

The writ on hand for mandamus is to direct the first respondent to consider the petitioner's representation dated 10.05.2021 to cancel the registered sale deed in Document No.983/20201 dated 19.04.2021 on the file of the second respondent executed by the respondents 3 to 7 in favour of the respondents 8 to 10.

2. The grievance of the writ petitioner is that the respondents 3 to 7 have executed a sale deed in favour of the respondents 8 to 10 in respect of the immovable property. The petitioner claims that based on certain false set of facts the respondents 3 to 7 executed the sale deed and the petitioner has got the right over the subject property which is the subject matter of the registered sale deed executed in Document No.983/2021 dated 19.04.2021. The representation dated 10.05.2021 sought to be disposed of in this writ petition reveals that the petitioner questions the title of the respondents 3 to 7 and further states that certain documents were created fraudulently and the sale deed was registered in favour of the respondents 8 to 10. This being the nature of allegations the Registering authorities cannot go into those disputed facts which all are to be adjudicated before the competent forum for the purpose of establishing a civil right between the parties. In the event of creation of any fraudulent document a criminal prosecution may be instituted by the party concerned, contrarily the Registering authorities cannot form an opinion with regard to such allegations as raised in the representation by the petitioner.

3. Section 82 of the Registration Act, 1908 contemplates penalty for making false statements, delivering false copies or translations, false personation and abetement. Section 82-A of the said Act stipulates penalty. Section 83 of the said Act denotes Registering officer may commence prosecutions. Thus it is made clear that in the event of establishing false statements, delivering false copies or translations, false personation and abetement the authority competent may impose penalty and commence prosecution. However such a power contemplated under the Registration Act cannot be extended so as to crystalise the civil rights between the parties. If any prima facie false statement is made in the document which is ought to be registered under the provisions of the Registration Act and in the event of identifying any such false statements as



contemplated under Section 82 of the Act then alone the authorities of the Revenue department may institute proceedings for imposing penalty and for commencement of prosecution. In respect of creation of certain fraudulent documents or disputes regarding title/ ownership cannot be adjudicated by the Registering authorities and such a power has not been conferred.

4. In order to establish title/ownership the parties again are bound to approach the competent Civil Court and in the event of any fraudulent creation of documents the parties have to approach the competent criminal Court of law by instituting appropriate actions. Such a power cannot be exercised by the Registering authorities under the provisions of the Registration Act. In the present case, the representation submitted by the petitioner reveals that the petitioner is claiming title over the subject property and further states the respondents 3 to 7 created certain fraudulent documents. This being the nature of representation the petitioner has to redress his grievances in the manner known to law and the Registering authorities cannot deal with such allegations of creation of fraudulent documents or declaration of title or ownership. Thus the petitioner is at liberty to approach the competent forum for the purpose of redressal of his grievances.

5. With these observations the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The District Registrar
O/o.The District Registrar,
Kallakurichi District.
2. The Sub Registrar
O/o.The Sub Registrar
Vadaponparappi, Sankarapuram Taluk,
Kallakurichi District.

+lcc to the Government Pleader, S.R.No. 27614

W.P.No.12506 of 2021

UM(CO)
CT(19/07/2021)