

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P.No.5982 of 2014  
and  
M.P.No. 1 of 2014

Selvi E Rajan

... Petitioner

vs

1. Inspector General of Registration,  
Santhome High Road,  
Santhome,  
Chennai.

2. The Sub-Registrar,  
Thiruporur,  
Kancheepuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the 2<sup>nd</sup> respondent herein from permitting any person to create any registered encumbrance on the petitioner's property bearing Plot No.168 measuring 2400 square feet and comprised in Survey No.1194/3, (Survey No.1194/1G as per patta), Maha Pallava Nagar, Thaiyur Village Panchayat, Chengalpattu Taluk, Kancheepuram District lying within the territorial jurisdiction of the Registration District of Chengalpattu and Sub-Registration District of Thiruporur.

For Petitioner : Mr.A.Saravanan  
for Mr.A.Devnarendaran

For Respondents : Mr.B.Kannan  
Government Advocate

O R D E R

This writ petition is filed for issuing a Writ of Mandamus, forbearing the second respondent herein from permitting any persons to create any registered encumbrance over the

petitioner's property bearing Plot No.168 measuring 2400 square feet, comprised in Survey No.1194/3, (Survey No.1194/1G as per patta), Maha Pallava Nagar, Thaiyur Village Panchayat, Chengalpattu Taluk, Kancheepuram District lying within the territorial jurisdiction of the Registration District of Chengalpattu and Sub-Registration District of Thiruporur.

2. It is the case of the petitioner that she purchased the property described in the prayer by virtue of the sale deed dated 16.05.2003 from one Kuppan, Duraikannu and Paramasivam, who are the sons of Ayyakannu, the original owner and the same was registered as Document No.1224/2003. It is also the case of the petitioner that a forged document was created by some unknown persons with the same description of the property with the signature of the some third parties. The forged document is produced before this Court. The same recitals of the document of title dated 16.05.2003 is repeated in the so-called document, which is forged according to the petitioner.

3. The grievance of the petitioner is that the respondents may allow some third parties to deal with the property of the petitioner on the strength of forged document that has been circulated. The petitioner has not disclosed the source by which the forged document came in to her possession. The petitioner normally is expected to file a criminal complaint against the named persons by giving the particulars to the transaction. The petitioner instead has approached the respondents that they should be cautious and take action to prevent such forged documents being acted upon. It is also stated in his representation that the petitioner was surprised to see that a duplicate document had been created, even though he has not disclosed the sale deed to any one of his relative or friends.

4. When any document concerning the petitioner's property is presented for registration based on the forged document, the second respondent may issue notice to the petitioner and hold an enquiry as contemplated in exercise of powers conferred on the Sub Registrar under Sections 71, 72 and 83 of the Registration Act, 1908. When an notice was issued to the petitioner, it is open to the petitioner to putforth her objections with regard to the identity and ownership.

5. It is to be noted that the second document that was produced before this Court is not registered by the second respondent. Hence, the second respondent can treat the petitioner as the lawful owner of the property by virtue of registered sale deed dated 16.05.2003 produced by her.

6. With the above direction issued to the second respondent as indicated above, this Writ Petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dm

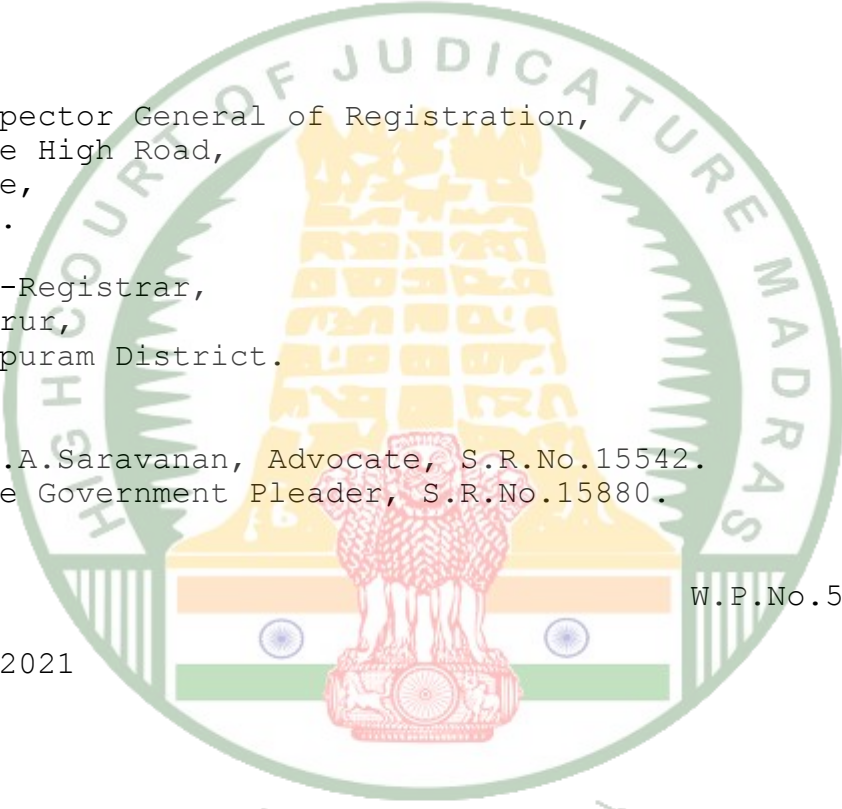
To

1. The Inspector General of Registration,  
Santhome High Road,  
Santhome,  
Chennai.
2. The Sub-Registrar,  
Thiruporur,  
Kancheepuram District.

+1cc to Mr.A.Saravanan, Advocate, S.R.No.15542.  
+1cc to the Government Pleader, S.R.No.15880.

PMK (CO)  
CSR 08.04.2021

W.P.No.5982 of 2014



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