

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

The Honourable Mr. Justice N.SESHASAYEE

W.P.No.20070 of 2020

R.Chezhiyan

... Petitioner

Vs.

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

2.The District Registrar
Cuddalore District
CuddALORE.

3.The Sub Registrar
Kattumannarkudi Taluk
Cuddalore District.

4.Arulmurugan

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 19.11.2020.

For Petitioners : Mr.A.Gouthaman

For Respondents : Mr.T.M.Pappiah

Special Government Pleader [R1 to R3]

ORDER

The present writ petition is filed for directing the authority concerned to consider the representation dated 19.11.2020 preferred by the petitioner.

2. The prayer in the writ petition is for cancellation of a certain settlement deed dated 31.07.2013 executed by the uncle of the petitioner, on the ground that the same is a fabricated document.

3. Heard the learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 to 3.

4. The learned Special Government Pleader made a statement that the Registering Authority cannot cancel the document on the ground that it is a forged one, and the petitioner, if at all aggrieved, is directed to work out his remedy before the civil Court.

5. The learned counsel for the petitioner would now submit that for cancelling of forged document, the Registering Authority can prosecute anyone under Section 82 r/w.83 of the Registration Act,1908 if the document is a false document.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, now requires the third respondent, Sub Registrar, Kattumannarkudi Taluk, Cuddalore District to hold an enquiry on the representation of the petitioner dated 19.11.2020 only for a limited purpose contemplated under Sections 82 & 83 of the Registration Act. In the process, the Sub Registrar may not usurp the jurisdiction of a civil Court.

7. The writ petition is disposed of accordingly, No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ds

To:

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

2.The District Registrar
Cuddalore District
CuddALORE.

3.The Sub Registrar
Kattumannarkudi Taluk
Cuddalore District.

+1cc to Mr.R.Ramesh , Advocate SR.No. 143
+1 cc to Government Pleader Sr.No. 194

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A.SK(02.02.2021) .