



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.10639 of 2021

Ganasekaran

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhom,
Chennai - 600 028.

2.The Sub - Collector,
Devakottai,
Sivagangai District.

3.The Tashildar,
Thiruppathur,
Sivagangai District.

4.The District Registrar,
Karaikudi,
Sivagangai District.

5.The Sub Registrar,
Thiruppathur,
Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for records relating to the impugned proceedings of the fourth respondent in his proceedings in Na.Ka.No.3558/Aa1/2018, dated 24.12.2018 and quash the same as illegal and to cancel the document No.3216/2014, dated 24.11.2014 before the fifth respondent.

For Petitioner : Mr.P.Venkata Subramanian

For Respondents : Mr.M.Lingadurai,
Government Advocate

ORDER

On consent given by either side, the main Writ Petition is taken up for final hearing.



2. This Writ Petition has been filed aggrieved by the impugned proceedings of the fourth respondent, dated 24.12.2018, wherein, the request made by the petitioner for cancellation of a registered document was rejected by the fourth respondent.

3. The case of the petitioner is that the subject property belonged to his father. He died on 20.07.2015 and the subject property devolved upon the petitioner and other legal heirs. The petitioner made an application for the survey of the subject property and at that point of time, the petitioner found that the property has been dealt with by one Sureshkumar, in favour of one Thiravia Raja and a sale deed was executed on 15.02.2018.

4. The petitioner, immediately, made a representation to the second respondent on the ground that a forged patta has been used for the purpose of registration of the sale deed and therefore, sought for cancellation of the patta. The second respondent is said to have conducted an enquiry and by proceedings dated 14.05.2018, a direction was given to the third respondent to cancel the patta and to change the patta in the name of the petitioner. Accordingly, the third respondent, by proceedings dated 14.05.2018, mutated the revenue records in the name of the petitioner.

5. The petitioner, thereafter, made a representation to the fourth respondent on 10.12.2018, requesting for the cancellation of the document that was registered on the file of the fifth respondent in Document No.395/18, on the ground that the forged patta itself has been cancelled and that the entire transaction was fraudulent.

6. The grievance of the petitioner is that the fourth respondent, by proceedings dated 24.12.2018, rejected the request made by the petitioner and aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate directions.

7. Heard Mr.P.Venkata Subramanian, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

8. In the considered view of this Court, the fourth respondent was perfectly right in informing the petitioner that the Registration Department is not vested with the power to cancel any registered document. The fourth respondent could not have cancelled the document based on the proceedings before the revenue authorities, wherein, the patta with respect to the subject property was cancelled.



9. The proper course of action to be followed by the petitioner is to request the fourth respondent to conduct an enquiry based on his representation and if the fourth respondent ultimately finds that the transaction is fraudulent and an order to that effect is passed, thereafter this order can be recorded in the relevant index and can be reflected in the encumbrance certificate.

10. In view of the above, this Court does not find any ground to interfere with the impugned proceedings of the fourth respondent dated 24.12.2018. There shall be a direction to the petitioner to make a fresh complaint before the fourth respondent seeking for taking action against the concerned persons, who are said to have indulged in fraudulent transaction based on the fraudulent patta. The fourth respondent, on receipt of the complaint, shall enquire the parties and pass orders strictly in accordance with law. The fourth respondent shall complete the proceedings within a period of eight (8) weeks from the date of receipt of the fresh complaint from the petitioner.

11. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector General of Registration,
No.100, Santhom,
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2.The Sub - Collector,
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Sivagangai District.

3.The Tashildar,
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5.The Sub Registrar,
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Sivagangai District.

+1 CC to SPL GP (SR-20712[F] dated 30/06/2021)

**Order made in
W.P. (MD) .No.10639 of 2021**

**Dated :
28.06.2021**

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KM(07.07.2021) 4P 7C