



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.[MD]No.9400 of 2021

N.Jeyachandran

... Petitioner

Vs.

- 1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
No.120, Santhome High Road,
Mylapore,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
O/o. The Deputy Inspector General of Registration,
St. Mark Street,
Near Sankar Colony,
Palayamkottai,
Tirunelveli District.
- 3.The District Registrar,
O/o. The District Registrar Office,
New Bus Stand Back Side,
Thoothukudi District,
Thoothukudi.
- 4.The Sub Registrar,
O/o. The Sub Registrar Office,
Vilathikulam,
Thoothukudi District.
- 5.T.Sahaya Nesan

... Respondents

PRAAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to cancel the registered document vide Doc.Nos.1) 2249/2019 dated 21.08.2019 2) 2250/2019 dated 21.08.2019, 3) 2251/2019 dated 21.08.2019 4) 2288/2019 dated 22.08.2019 5) 2339/2019 dated 28.08.2019 6) 2340/2019 dated 28.08.2019 7) 2341/2019 dated 28.08.2019 8) 2430/2019 dated 04.09.2019 9) 2431/2019 dated 04.09.2019 & 10) 2534/2019 dated 13.09.2019 before the fourth respondent, based on the petitioner's representation dated 01.05.2021.

For Petitioner

: Mr.A.Rajaram



O R D E R

By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

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2. Heard Mr.A.Rajaram, learned Counsel appearing for the petitioner.

3.This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to cancel the registered documents vide Doc.Nos.1)2249/2019 dated 21.08.2019 2) 2250/2019 dated 21.08.2019, 3)2251/2019 dated 21.08.2019 4) 2288/2019 dated 22.08.2019 5)2339/2019 dated 28.08.2019 6)2340/2019 dated 28.08.2019 7)2341/2019 dated 28.08.2019 8)2430/2019 dated 04.09.2019 9) 2431/2019 dated 04.09.2019 & 10)2534/2019 dated 13.09.2019 before the fourth respondent, based on the petitioner's representation dated 01.05.2021.

4.The case of the petitioner is that one J.P.A.Demale, had several properties and he died leaving behind his two sons namely, Thomas Antony Rex Demale and Late.John Vernan Demale. It is further stated in the affidavit filed in support of the writ petition that the fifth respondent created a forged legal heir certificate of Late.John Vernan Demale and executed several documents as power of attorney agent of the legal heirs. The petitioner claims himself to be the power agent of the legal heir of Late.John Vernan Demale. Stating that the fifth respondent has registered about 10 documents using the forged certificate, the present writ petition is filed for issuing a direction to the second respondent to cancel the registered document.

5.Under the Registration Act, the Sub-Registrar or the second respondent has no power to cancel the registered documents. If a document is registered fraudulently or by forging the signatures of persons shown in the document, it is open to the parties aggrieved to give a complaint and the Registrar may hold an enquiry for taking appropriate action under Section 82 & 83 of the Registration Act. The Registrar, after registering the document cannot cancel the registration. However, it is open to the petitioner to file a civil suit as power of attorney agent of his principal for appropriate relief.

6.This Court cannot direct the statutory authority to do something which is not authorized in law or which is not sanctioned by law. In that view of the matter, I do not find any merit in this Writ Petition.



7. Accordingly, the Writ Petition is dismissed. However, liberty is preserved to the petitioner to approach the Civil Court for appropriate relief. However, there shall be no order as to costs.

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Sd/-

Vacation Officer ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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.

MR

To

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
No.120, Santhome High Road,
Mylapore,
Chennai - 600 028.
2. The Deputy Inspector General of Registration,
O/o. The Deputy Inspector General of Registration,
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Thoothukudi.
4. The Sub Registrar,
O/o. The Sub Registrar Office,
Vilathikulam,
Thoothukudi District.

+1 CC to M/s.M/S A.RAJARAM, Advocate (SR-18566[F] dated 17/05/2021)

W.P. [MD]No.9400 of 2021

12.05.2021

GS (21.05.2021) 3P 6C