



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13486 of 2021

1. V.Palraj
2. Dr.Noah

... Petitioners

Vs.

1. The Chief Secretary,
Secretariat Building,
St.George Fort,
Chennai - 9.
2. The District Collector,
Madurai District, Madurai.
3. The Inspector General of Registration,
No.100, Santhom Road, Chennai-28.
4. The District Registrar,
(Assistant DIG of Registration)
Palace Road, Madurai.
5. The Sub Registrar,
Madurai South Joint-I Sub Registrar Office,
Palace Road, Madurai.
6. The Inspector of Police,
Land Grabbing Special Cell,
Azhagarkoil Main Road,
Suriya Nagar, Madurai.
7. V.Karuthakannan
8. K.Jothi
9. P.Annapetchi
10. P.Prakash
11. P.Suriya
12. A.Vasunathan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to take appropriate action against the respondent Nos.7



to 12 as per Section 83 of Registration Act based on petitioner representation dated 29.06.2021.

For Petitioner : Mr.P.Balamurugan.
For Respondents : Mr.P.Subbaraj,
Counsel for State for R1 to R6

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O R D E R

The petitioner alleges fraud in the execution of sale deeds by the private respondents herein. On such basis, the petitioner seeks an enquiry by the fourth respondent in terms of Section 83 of the Registration Act, 1908.

2. The petitioner states that he is the owner of an adjacent plot of land and obtained easementary rights over Plot No.16, which is a parcel of land belonging to the Highways Department. According to the petitioner, certain private parties executed a fraudulent sale deed dated 18.01.2010 under Document No.600 of 2010 on the file of Madurai South No.1 Joint Sub Registrar Office, Madurai. It is further stated that the seventh respondent and his wife have created another forged sale deed dated 07.08.2020 vide Document No.4590 of 2010. The petitioner cites the proceedings of the Revenue Divisional Officer to contend that the said land is clearly land belonging to the Highways Department and that no private persons should have been permitted to register deeds of conveyance in respect thereof.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 6. He states that the representation of the petitioner would be duly considered and disposed of on merits.

4. The scope and ambit of the functions of the Registration Department is distinct from that of a civil court. The registration authorities are entitled to *prima facie* examine whether a person intending to register a document is entitled to do so. Such authorities are also entitled to verify whether there is impersonation and whether there is forgery. It is for such reason that registration authorities insist upon the production of documents that evidence the entitlement of the parties concerned to execute the registered document. Similarly, documents that establish the identity of the parties to the documents are also insisted upon. However, registration authorities cannot decide questions of title. Equally, such authorities cannot cancel a registered sale deed or other registered document. Nonetheless, without deciding title or cancelling registered documents, registration authorities are empowered to conduct an inquiry in terms of several provisions of the Registration Act 1908,



including Sections 34, 68 and 83 thereof.

5. Subject to the above observations and without going into the merits of the petitioner's representation, the fourth respondent herein is directed to consider the representation dated 29.06.2021, institute an inquiry in accordance with the provisions of the Registration Act 1908, if deemed appropriate, and conclude any such inquiry within a period of three months from the date of receipt of a copy of this order. All parties who would be affected by such inquiry, including respondents 7 to 12 herein, shall be provided a reasonable opportunity of hearing before such inquiry is concluded.

6. W.P(MD).No.13486 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

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Secretariat Building,
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6. The Inspector of Police,
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Suriya Nagar, Madurai.

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+1 CC to M/s.GP (SR-25360[F] dated 05/08/2021)

+1 CC to M/s.P.BALAMURUGAN, Advocate (SR-25460[F] dated
06/08/2021)

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04.08.2021

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