



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.(MD)No.13545 of 2021

Sivalakshmi

... Petitioner

Vs.

1. The Inspector General of Registration,
80, Santhom Highways Road,
Chennai.

2. The District Registrar,
Periyakulam, Theni District.

3. The Sub Registrar,
Cumbum Sub Registrar Office,
Theni District.

4. Ramasamy

5. Sirajudeen

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent on the basis of circular letter No.41350/U1/2017, dated 20.10.2017 issued by Inspector General of Registration to cancel the forged documents on the file of the third respondent in connection with petitioner properties vide forged document No.2700/1995, 26.06.1995 and Document No.1299/2007, 28.03.2007 situated at Kosendraodai Village, K.Pudupatti, Cumbum Sub Registrar Office, Uthamapalayam Taluk, Theni District in the light of the petitioner representation dated 25.01.2021 within stipulated time fixed by this Court.

For Petitioner : Mr.D.Durai Solaimani

For Respondents : Mr.R.Baskaran,

Counsel for State R1 to R3

O R D E R

The petitioner seeks the cancellation of Document No.2700/1995 and Document No.1299/2007 which were registered in the Office of the Cumbam Sub-Registrar, Uthamapalayam, Theni District.

2. The petitioner states that his family owns agricultural lands in Kosendraodai Village, K.Pudupatti, Theni District in several Survey numbers as claimed in paragraph No.2 of the affidavit. It is alleged by the petitioner that the respondents 4 and 6 have fraudulently created sale deeds and registered the same



in Document No.2700/1995 dated 26.06.1995 and Document No.1299/2007 dated 28.03.2007 on the file of the third respondent.

3. The petitioner states that he discovered the aforesaid fraudulent transaction only upon obtaining the encumbrance certificate in relation to his property. Therefore he submitted the representation dated 25.01.2021.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf respondents 1 to 3 and states that the Sub-Registrar may be directed to consider and dispose of the petitioner's representation on merits.

5. The relief claimed by the petitioner is for the cancellation of the aforementioned sale deeds. The registration authorities do not have the power to cancel registered documents. As such, the relief prayed for by the petitioner cannot be granted. As regards the institution of an inquiry, a reasoned decision would have to be taken by the Sub-Registrar based on evidence submitted by the petitioner with regard to the alleged fraud.

6. Subject to the above observations and without going into the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 25.01.2021 and, if deemed appropriate, conduct an inquiry in accordance with the Registration Act, 1908. In any event, the petitioner's representation shall be disposed of within a period of three months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, respondents 4 and 5 herein and any others who would be affected by such decision. On account of the fact that the merits of the matter have not been examined and because the second respondent has been directed to provide an opportunity to the private respondents before taking a decision, the writ petition is disposed of without notice to the private respondents.

7. Accordingly, W.P(MD).No.13545 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

1. The Inspector General of Registration,
80, Santhom Highways Road,
Chennai.

2. The District Registrar,
Periyakulam, Theni District.

3. The Sub Registrar,
Cumbum Sub Registrar Office,
Theni District.

+1 CC to M/s.GP (SR-25495[F] dated 06/08/2021)

W.P. (MD)No.13545 of 2021

05.08.2021

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