



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13510 of 2021

K.Ramalingam

... Petitioner

versus

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

2.The District Registrar,Karur District.

3.The Sub-Registrar,
Sub-Registrar Office,Karur District.

4.V.K.Asokan ... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the 1st and 2nd respondents on the basis of the circular letter No.41530/U1/2017, dated 20.10.2017 issued by the Inspector General of Registration to cancel the forged documents vide No.71/2005 dated 27.01.2005 on the file of the third respondent in connection with his property in the light of the petitioner representation dated 15.01.2021 within stipulated time fixed by this Court.

For Petitioner : Mr.D.Durai Solaimalai
For Respondent : Mr.P.Subbaraj,
Counsel for state.

ORDER

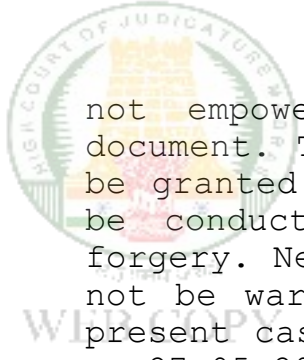
The petitioner seeks cancellation of the allegedly forged document bearing document No.71/2005 dated 27.01.2005 on the basis of the petitioner's representation dated 15.01.2021.

2. According to the petitioner, he owns the land in Survey No.1308/B, at Sanapiratty Panchayat, Karur Taluk and District. It is alleged that a forged document was executed by the fourth respondent herein.

3. The petitioner submitted a representation on 15.01.2021 seeking cancellation of the registered document on the basis of a circular issued by the Inspector General of Registration on 20.07.2020.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3.

5. The Registration Act 1908 and the Rules framed thereunder do
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not empower the registration authority to cancel a registered document. Therefore, the relief prayed for by the petitioner cannot be granted. As regards the conduct of an inquiry, such inquiry may be conducted with regard to fraud, including impersonation and forgery. Needless to say, the institution of such inquiry may or may not be warranted depending on the facts and circumstances. In the present case, it appears that the impugned Sale Deed was registered on 27.05.2005.

6. Subject to the above observations but without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 15.01.2021 and dispose of the same on merits by a reasoned order within a period of three months from the date of receipt of a copy of this order. Such reasoned order shall be passed after providing a reasonable opportunity both to the petitioner and the fourth respondent. On account of the fact that the merits of the matter have not been gone into and because the third respondent is directed to issue notice to the fourth respondent before taking a decision, the writ petition is disposed of without notice to the private respondents.

7. W.P.(MD).No.13510 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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,
80, Santhome Highways Road, Chennai.
- 2.The District Registrar,Karur District.
- 3.The Sub-Registrar,
Sub-Registrar Office, Karur District.

+1 CC to M/s.GP (SR-25517[F] dated 06/08/2021)

W.P(MD)No.13510 of 2021
05.08.2021

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