



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

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THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.14868 of 2021

Jeeva

... Petitioner

Vs.

1. The Inspector General of Registrar,
No.100, Santhome, High Road,
Pattinampakkam, Chennai - 28.

2. The District Registrar (Administration),
Office of the District Registrar,
Ramanathapuram District,
Ramanathapuram.

3. The Sub-Registrar Joint-II,
Office of the Sub-Registrar,
Ramanathapuram District,
Ramanathapuram.

4. G.Murugesan
5. Anguthai
6. Kamatchi
7. Jeya
8. R.Santhanam
9. Paranjothi
10. Sivagamy
11. Santhi
12. Ganam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to conduct enquiry based on the petitioner's representation dated 09.06.2021 and 22.07.2021 consequently take appropriate action against respondents Nos.2 to 12 in the light of circular in letter No.41530/U1/2017 dated 08.11.2017 issued by the Inspector General of Registration, Chennai.

For Petitioner : Mr. G.Kannan

For Respondents : Mr.P.Subbaraj

Counsel for State - For R1 to R3

**ORDER**

The petitioner seeks a direction to the first and second respondents herein to conduct an inquiry based on her representation dated 09.06.2021 and 22.07.2021.

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2. The petitioner claims that the property bearing S.F.No.114/13 admeasuring 2.4 acres belonged to her father, Ganesan Servai. Consequently, upon his death, all the legal heirs of the petitioner's father became entitled to a share therein. However, it is alleged that respondents 4 to 12 herein created two forged documents in respect of such property and registered the same under document No.1489/2009 dated 13.07.2009 and document No.1989 of 2009 dated 29.07.2009.

3. The petitioner alleges that the second and third respondents failed to verify the title in respect of the above properties and thereby abetted such fraudulent transactions by respondents 4 to 12 herein. In the circumstances, it is stated that the petitioner submitted detailed representations to the first respondent on 09.06.2021 and 22.07.2021 seeking an inquiry into the fraudulent registration.

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

5. The facts and documents on record indicate conclusively that the petitioner's complaints pertain to two registered documents of the year 2009. The petitioner should have initiated action within a reasonable time after the said documents were registered. Instead, the petitioner has approached this Court about 12 years after the registration of the relevant documents.

6. More importantly, the basis of the petitioner's request for an inquiry is that the second and third respondents should have verified the title of the above properties. The registration authorities are entitled to examine the identity of the executants of the document presented for registration, the authority of an agent who submits a document for registration on behalf of his principal and whether the party to the document is a minor or a person of unsound mind. In fact, Rule 55 of the Registration Rules makes it abundantly clear that it is not an obligation of the registration authorities to verify title. In addition, the settled legal position is that any dispute in relation to title should be adjudicated by an appropriate civil court and not by a registration authority. Consequently, a mandamus as requested by the petitioner cannot be issued for both the reasons set out above.

7. Accordingly, W.P.(MD).No.14868 of 2021 is dismissed without any order as to costs. However, this order shall not preclude the institution of appropriate proceedings by the petitioner, in



accordance with law, in respect of title to the property situated at S.F.No.114/13 or for the cancellation of the impugned registered documents.

Sd/-

Assistant Registrar (W)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1.The Inspector General of Registrar,
No.100, Santhome, High Road,
Pattinampakkam, Chennai - 28.
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3. The Sub-Registrar Joint-II,
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+1 CC to M/s.SPL GP (SR-27036[F] dated 24/08/2021)

W.P. (MD) .No.14868 of 2021
23.08.2021

DKS (CO)
KB(01.09.2021) 3P 5C