



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD)No.14881 of 2021

Azhagulakshmi

... Petitioner

Vs.

1.The District Registrar,
Tirunelveli District,
Tirunelveli.

2.The Sub-Registrar,
Sub-Registrar Office,
Alvarthirunagari,
Thoothukudi District.

3.Ramalakshmi

4.Murugan

5.Siluvai

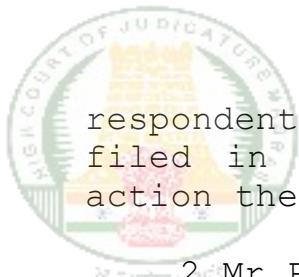
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to cancel the settlement deed vide document No.169/2017 and settlement deed vide document No.1089/2017 being registered fraudulently at 2nd respondent office on the basis of representation, dated 28.09.2020.

For Petitioner	:	Mr.T.Indrachithu
For Respondent	:	Mr.P.Subbaraj
No.1 & 2		Counsel for State

ORDER

The petitioner seeks a direction to the first and second respondents to cancel settlement deed bearing document No.169/2017 and settlement deed bearing document No.1089/2017. The petitioner states that the third respondent is her sister and the fourth respondent is her sister's son. While her mother was in an unconscious state, the petitioner alleges that the third respondent prepared a registered settlement deed, dated 08.03.2017, fraudulently. Similarly, it is alleged that the fourth respondent also prepared a fraudulent settlement deed and registered the same on 10.11.2017. The petitioner submitted a representation dated 28.09.2020, to the first and second



respondents in this connection, and the present writ petition is filed in view of the failure of the said respondents to take action thereon.

2.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first and second respondents. He submits that the representation of the petitioner may be considered and disposed of on merits.

3.The Registration Authorities are vested with jurisdiction to examine the identity of the executants of a document presented for registration. Consequently, they are authorised to examine as to whether there is impersonation or forgery in the registration of such documents. However, the Registration Department is not authorised to cancel a registered document.

4.Subject to the above observations, but without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 28.09.2020 and dispose of the same by a reasoned order 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 and the three private respondents herein. In view of the fact that the merits of the matter have not been gone into and because the first respondent has been directed to hear the private respondents before passing an order, the writ petition is disposed of without notice to the private respondents.

5.W.P.(MD).No.14881 of 2021 is disposed of on these terms without any orders. There is no order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 District Registrar,
Tirunelveli District,
Tirunelveli.

2.The Sub-Registrar,
Sub-Registrar Office,
Alvarthirunagari,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-27045[F] dated 24/08/2021)

W.P (MD) No.14881 of 2021
23.08.2021

VR (CO)
SB(31.08.2021) 3P 4C