



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.16745 of 2021

WEB COPY

Karuppiah

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Chennai.
- 2.The Deputy Inspector General of Registration
Integrated Registrar Office,
Rajagambiram,
Madurai.
- 3.The District Registrar,
Virudhunagar District,
Virudhunagar.
- 4.The Sub Registrar,
Srivilliputtur,
Virudhunagar.
- 5.Karthik
- 6.Panchavaranam

... 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 to 4 to declare the gift deed in Document No.1739/2016 on the file of the fourth respondent executed by the fifth respondent in favour of the sixth respondent as fraudulent transaction and also direct the second respondent to make an entry in the document as fraudulent registration by considering the petitioner's representation dated 02.08.2021 and pass orders on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew
For R1 to R4 : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks a direction to respondents 1 to 4 to declare the gift deed bearing Document No.1739/2016 on the file of



the fourth respondent as fraudulent and to make consequential entries in the relevant records in such regard.

2. The petitioner states that he purchased the land in Survey Nos.661/4, 662/3, 662/2, 663/1, 661/2, 661/3A and 662/1 at Maharajapuram Village, Watrap, Virudhunagar District measuring about 9 Acres and 69 Cents from one Kathiresan, who was the Court appointed guardian of the fifth respondent herein.

3. The petitioner states that the fifth respondent filed O.S.No.137 of 2005 on the file of the Additional District Munsif Court, Srivilliputtur and the said suit was decreed in favour of the fifth respondent. The petitioner filed A.S.No.91 of 2008 on the file of the Subordinate Judge, Srivilliputtur and the Appeal Suit was dismissed. As against the order in the Appeal Suit, the petitioner filed S.A.(MD).No.580 of 2012 and the said Second Appeal was allowed by order dated 29.11.2016.

4. Meanwhile, the fifth respondent executed a gift deed in favour of the sixth respondent, his wife, by Document No.1739/2016 dated 23.11.2016. Almost five (5) years later, the petitioner submitted a representation dated 02.08.2021 seeking an inquiry and for a finding that the above mentioned transaction was fraudulent. The present Writ Petition is filed on account of the alleged failure of the official respondents to take action on the representation dated 02.08.2021.

5. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the petitioner has assailed a registration effected on 23.11.2016 after about five (5) years.

6. Registration authorities do not have the power to decide questions of title. As regards fraud, they do not have the power to inquire into fraud that preceded registration or that succeeded registration. The remit of the Registration Department is limited to examining whether a fraud was committed in course of registration. Such fraud could be by way of forgery, impersonation or the production of fake documents which formed the basis for registration. Therefore, the limited question would be whether a fraud was committed in course of registration on 23.11.2016.

7. Subject to the above observations but without going into and recording findings on the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 02.08.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner and the private respondents herein. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order. On account of the fact that no findings have



respondent is directed to hear the private respondents, the Writ Petition is disposed of without notice to the private respondents.

8. Accordingly, W.P.(MD).16745 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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,
Chennai.
- 2.The Deputy Inspector General of Registration
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- 4.The Sub Registrar,
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+1 CC to M/s.SPL.GP (SR-29931[F] dated 22/09/2021)

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-29630[F] dated 20/09/2021)

**W.P (MD) Nos.16745 of 2021
20.09.2021**

RD(28.09.2021) 3P 7C