



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

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W.P(MD)No.17718 of 2021

N.Marivel

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhom High Road,
Pattinapakkam,
Chennai.

2.The District Registrar,
Registration Office,
Collectorate Office,
Dindigul Collectorate,
Dindigul District.

3.The Sub Registrar,
Joint No.2, Sub Registrar Office,
Collectorate Office,
Dindigul Collectorate,
Dindigul District.

4.The Tahsildar,
Dindigul West Taluk Office,
Dindigul District.

5.G.Harikrishnan

6.Veerunagammal

7.Ramasamy

8.Krishnasamy

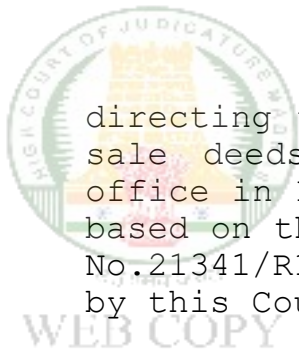
9.Thomas

10.Subramani

11.Palanisamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by



directing the second and third respondents to cancel the fraudulent sale deeds registered before the third respondent Sub Registrar office in Document Nos.3015/2017, 3016/2017, 2547/2020 and 2458/2020 based on the communication sent by the first respondent in reference No.21341/R1/2020 dated 16.09.2020 within a stipulated period fixed by this Court.

For Petitioner : Mr.N.Marivel
(Party in person)
For R-1 to R-4 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction to the second and third respondents to cancel the allegedly fraudulent sale deeds registered before the third respondent under Document Nos.3015/2017, 3016/2017, 2547/2020 and 2458/2020.

2. The petitioner claims title to the properties bearing Survey Nos.186/1, 186/2, 187/1, 187/2 and 187/3 under a registered sale deed dated 28.07.2016 bearing Document No.4245/2016. The petitioner alleges that a land broker, namely, Gurusamy, procured a fake death certificate and a fake legal heirship certificate. In support of such contention, the petitioner refers to and relies upon a communication dated 19.02.2021 from the Commissioner of the Dindigul Municipality. In addition, the petitioner relies upon a communication from the Public Information Officer and Deputy Tahsildar. By relying on these fake documents, the petitioner asserts that the above mentioned sale deeds were fraudulently registered before the third respondent. In relation thereto, the petitioner states that he made a complaint to the first respondent. In response thereto, the first respondent sent a communication dated 16.09.2020. The petitioner seeks further action on such basis.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the second respondent may be directed to consider the petitioner's representation and dispose of the same after providing a reasonable opportunity to the petitioner and all the parties to the relevant documents.

4. As on date, registration authorities do not have the power to cancel registered documents. Consequently, the relief claimed by the Writ Petitioner cannot be granted. However, registration authorities are empowered to conduct an inquiry as to whether irregularities or fraud were committed in course of registration. In specific, registration authorities may examine as to whether there was impersonation, forgery or whether fake documents constituted the basis for registration. To that extent,



the petitioner is entitled to a consideration of his request for an inquiry in relation to the allegedly fraudulent documents.

5. Subject to the above observations but without entering any findings on the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 17.08.2020 seeking an inquiry into the allegedly fraudulent registration of the four documents adverted to above. The second respondent shall provide a reasonable opportunity in this regard to the petitioner, the private respondents herein and any other parties to the impugned documents. Upon conclusion of an inquiry in this regard, a reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.

6. Accordingly, W.P.(MD).No.17718 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

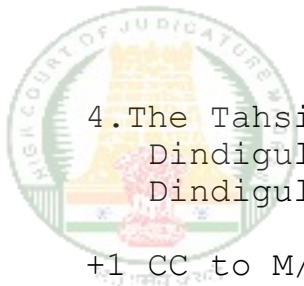
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector General of Registration,
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No.100, Santhom High Road,
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Dindigul District.



4.The Tahsildar,
Dindigul West Taluk Office,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-30994[F] dated 04/10/2021)

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RD(11.10.2021) 4P 6C