



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17612 of 2021

Meenakshi

... Petitioner

Vs.

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

2.The District Registrar,
Registration Department,
Dindigul District.

3.The Sub Registrar,
Sub Registrar Office,
Nilakottai, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent on the basis of circular letter No.41350/U1/2017, dated 20.10.2017 issued by the Inspector General of Registration to cancel the forged document on the file of the third respondent in connection with petitioner property vide forged documents No.1322/2010, dated 13.04.2010 situated at Pallapatti Revenue Village, Nilakottai Taluk, Dindigul District in the light of the petitioner representation dated 05.05.2021 within stipulated time fixed by this Court.

For Petitioner : Mr.D.Durai Solaimalai

For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a direction for the cancellation of the allegedly forged mortgage deed bearing Document No.1322 of 2010.

2.The petitioner states that she is the owner of agricultural lands situated in S.No.276/14 of an extent of 60 cents and the property bearing S.No.276/11 of an extent of 12 cents. The pattas issued in the name of the petitioner are cited in support of the petitioner's title and ownership over the said lands.



3.The petitioner alleges that one A.P.Alagar @ Alagarsamy fraudulently created a mortgage deed in his favour under a registered mortgage deed bearing Document No.1322 of 2010. Therefore, the petitioner submitted a representation dated 05.05.2021 to the respondents herein seeking the cancellation of such document pursuant to an inquiry in such regard. The present writ petition is filed on the ground that the respondents refused to take action on such representation.

4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the second respondent may be directed to consider and dispose of the petitioner's representation on merits and in accordance with law.

5.Registration authorities do not have the power to cancel a registered document as on date. However, they have the authority to inquire into a fraud or irregularity committed in course of registration. In the case at hand, the petitioner alleges fraud in relation to a mortgage deed executed in the year 2010. It is stated that the petitioner discovered such fraud only recently when she applied for the encumbrance certificate. From the affidavit, it appears that the petitioner is a senior citizen aged about 90 years. Considering the facts and circumstances, the laches on the part of the petitioner may be excused. In order to inquire into the matter, it would be necessary to provide a reasonable opportunity to the parties to the impugned mortgage deed.

6.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 05.05.2021 and dispose of the same after conducting an inquiry in such regard by providing a reasonable opportunity to the petitioner and the parties to the mortgage deed dated 13.04.2010. At the conclusion of such inquiry, a reasoned order shall be issued. This process shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

7.W.P.(MD)No.17612 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D.I)

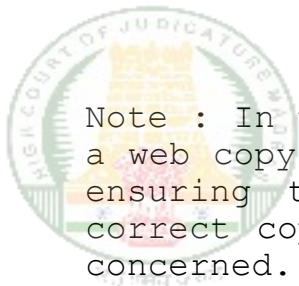
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/ /2021

Sub Assistant Registrar(CS)

sjj

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

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80, Santhom Highways Road,
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+1 CC to M/s.SPL.GP (SR-30991[F] dated 04/10/2021)

W.P (MD) No.17612 of 2021
30.09.2021

RD(18.10.2021) 3P 5C