



Writ Petition No.34347 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/10/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.34347 of 2014

a n d

M.P.No.1 of 2014

1. T.S.Manoharan (died)

2. Menaka

3. Ammu

4. M.Lakshmi

...

Petitioners

(P.2 to P.4 substituted as Lrs of the deceased
sole petitioner, vide order dated 15/9/2022
dated 15/9/2022 made in W.M.P.No.23973 of 2022
in W.P.No.34347 of 2014 by NSKJ)

Vs

1. The Secretary to the Government
Revenue Department, Fort St. George
Chennai 600 009.

2. The Inspector General of Registration
Santhome High Road, Santhome
Chennai 28.



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3. The District Registrar
Office of the District Registrar
North Chennai, 1 Murthigal Lane
Chennai 600 001.
4. The Sub-Registrar
Sembium
Chennai 600 011.
5. The Sub-Registrar
Madhavaram
Chennai.
6. The Sub-Inspector
Central Crime Branch – I
Team XVI, E.V.K.Sampath Salai
Vepery
Chennai 600 007.
7. D. Jayanthi Rao
8. Girijabhai
9. G. Ashok Kumar
10. The Inspector of Police
M 4 Madhavaram Police Station
Madhavaram
Chennai.
11. The Tahsildar
Madhavaram
Chennai

...

Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the fifth respondent in his proceedings dated 27/6/2013 in registering the release Deed executed and presented by the eighth respondent in favour of the seventh respondent and Power of Attorney executed and presented by the seventh respondent in favour of the ninth respondent as Document Nos.3648/2013 and 3650/2013 respectively and quash the registration of the same and direct the fourth respondent to reconstruct the true copy of the Sale Deed dated 28/2/1970 executed by Chandrammal and Muthammal in favour of Kasthuri, registered as Document No.925 of 1970 and issue a certified copy of the same to the petitioner.

For Petitioners	...	Mr.P.Arumugarajan
For respondents	...	Mr.P.Sathish Additional Government Pleader for R.1 Mr.K.Tippusulthan Government Advocate for R.R.2 to 5. Mr.A.Selvendran Special Government Pleader for R.R.6 and 10 No appearance for R.R.7 to 9. Mr.D.Gopal



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Government Advocate
for R.11

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ORDER

This writ petition has been filed to quash the Proceedings, dated 27/6/2013, passed by the fifth respondent in registering the release Deed executed by the eighth respondent, in favour of the seventh respondent and Power of Attorney executed by the seventh respondent in favour of ninth respondent as Document Nos.3648/2013 and 3650/2013, respectively and direct the fourth respondent to reconstruct the true copy of the Sale Deed, dated 28/2/1970, executed by Chandrammal and Muthammal in favour of Kasthuri, registered as Document No.925 of 1970 and issue a certified copy of the same to the petitioner.

2. Pending writ petition, the petitioner died. Petitioners 2 to 4 were substituted as legal representatives of the deceased T.S.Manoharan.

3. The case of the petitioner is that a land measuring 1 Ground and 555 sq.feet in Plot No.9 Thanigachalam Nagar, Madhavaram, Chennai, was originally purchased by one Kasthuri, by a registered Document No.925 of 1970, in the



office of the fourth respondent. Father of the petitioners 2 and 3 purchased the said property on 22/11/1982, by a registered Doc.No.5261 of 1982. After his demise, legal heirs have handed over certain documents to one Rushiyendaran Mani for mutation of revenue records. Thereafter, some rowdy elements started claiming to be an agreement holder, viz., Dasaratha Rao, under sale deed, dated 22/2/1970 and the same was informed to the fourth respondent. After verifying the documents, fourth respondent informed that copy of the sale deed, dated 22/2/1970 registered as Document No.925 of 1970 has been tampered and name of the original owner/Kasthuri has been substituted with the name of Dasaratha Rao. However, in Index I and II of the registers, name of the original owner has not been tampered with, which in fact, contain the name of the original owner i.e., Kasthuri.

4. Police complaint has been lodged in Crime No.139 of 2014, for the offences punishable under Sections 419, 465, 467, 468, 471 and 420 r/w. 120 (B) of the Indian Penal Code, against Rushiyendran Mani, Dhasaratha Rao and staff of S.R.O, Sembium.



5. Taking advantage of the forged document, seventh respondent executed a release deed, dated 27/6/2013, in favour of eighth respondent, as the legal representatives of Dhasartha Rao and eighth respondent, executed a Power of Attorney in favour of ninth respondent and presented the same for registration and the same was registered as Doc.Nos.3648 and 3650 of 2013, in the office of the fifth respondent.

6. Since no action has been taken, under Section 83 of the Registration Act, petitioner has come forward with the present writ petition, praying for the relief as stated therein.

7. Counter affidavit has been filed by the fifth respondent wherein it is stated that on the demise of Dasaratha Rao, based on the fabricated copy of sale deed, eighth respondent has executed and registered the document in favour of seventh respondent and on the same day, seventh respondent executed a Deed of General Power of Attorney in favour of ninth respondent, registered as Doc.No.3650 of 2013. It is admitted that forged document has been created in the name of Dhasaratha Rao, replacing the copy of Sale Deed No.925 of 1970 in



the Sub-Registrar's office, Sembium. However, Index I and II Registers kept in the office of Sub-Registrar, Sembium, in fact, reflect the original purchaser name Kasthuri.

8. Heard Mr.P.Arumugarajan, learned counsel for the petitioner, Mr.P.Sathish, learned Additional Government Pleader for the first respondent, Mr.K.Tippu Sulthan, learned Government Advocate for the respondents 2 to 5, Mr.A.Selvendran, learned Special Government Pleader for the sixth and tenth respondents and Mr.D.Gopal, learned Government Advocate for eleventh respondent.

9. Despite service of notice and names have been printed, none appeared on behalf of the respondents 7 to 9.

10. Learned counsel appearing for the petitioners submitted that Registering Officer has no locus standi to enquire whether the person executing a document has right and title over the property, as per Section 55 of the Registration Rules. However, it is clearly admitted that the original document



has been tampered and the name of Dasaratha Rao has been substituted in the sale deed dated 22/2/1970, in the registered documents. Therefore, submitted that the document registered by the seventh respondent, i.e., release deed and Power of Attorney dated 27/6/2013 have to be cancelled.

11. The learned counsel appearing for the petitioners further submitted that Registration authority vests with power to recall their orders, if they have been obtained by fraud. While so, the respondents 1 to 6 have not chosen to annul the registration obtained by fraud by the respondents 7 to 9.

12. The learned Special Government Pleader appearing for the respondents 6 to 10 submitted that Sub-Registrar has clearly found that the original sale deed in the name of Kasthuri has been forged by tampering copy sheet maintained in the Registrar office.

13. A bare perusal of Index I and II of the Registers clearly shows that property has been purchased in the name of Kasthuri. Registering Authority itself found that records have been found tampered and subsequent documents



have been created in the name of Dasaratha Rao, which is nothing but nonest in the eye of law. As the registered authority themselves has admitted that the document is of the year 1970, copy sheet has been tampered and forged document has been created, seventh respondent being the legal representatives of the deceased Dasaratha Rao stated to have executed lease deed, will not convey any right in favour of the eighth respondent.

14. In such a view of the matter, this Court is of the view that release deed dated 27/6/2013 registered as Doc.No.3648 of 2013 and Power of Attorney, registered as Doc.No.3650 of 2013 is nonest in the eye of law and the same have to be cancelled.

15. In the result, this writ petition is allowed and release deed dated 27/6/2013 registered as Doc.No.3648 of 2013 and Power of Attorney, registered as Doc.No.3650 of 2013 are quashed. Registering authority is directed to effect necessary entries in the books, for the purpose of encumbrance, within a period of two months, from the date of receipt of a copy of this order. Thereafter, certified copies of the original documents can be issued by the registering



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authorities to the petitioners. No costs. Consequently, the connected

Miscellaneous Petition is closed.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

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N. SATHISH KUMAR, J

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