



W.P.(MD).No.23353 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23353 of 2022

Jainul Afthin

... Petitioner

vs.

1.The District Registrar,
Registration Department,
Palayamkottai,
Tirunelveli District.

2.The Sub Registrar,
Sub Registrar Office,
Panagudi,
Tirunelveli District.

3.Naseem Banu
4.Lalkhan
5.Rajaduari
6.Ravitha
7.Swarna Lakshmi
8.Daniel Raj

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the 1st respondent to cancel the forgery documents registered by the 2nd respondent on the basis of the petitioner representation dated



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09.09.2022.

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For Petitioner : Mr.N.S.Ramakrishna Dass
For R1 & R2 : Mr.S.R.A.Ramachandran,
Additional Government Pleader

ORDER

This writ petition is filed to direct the first respondent to cancel the forgery documents registered by the second respondent, on the basis of the petitioner representation dated 09.09.2022.

2.Heard Mr.N.S.Ramakrishna Dass, learned counsel appearing for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader appearing for the respondents 1 and 2.

3.It is the case of the petitioner that the petitioner purchased three item properties and obtained pathway to egress and ingress of his properties, which is not a public pathway, is only use for his own purpose. While so, the third respondent is the wife of the petitioner's own brother asked him to use the pathway for easement rights only, so that he executed a deed in favour of his brother in Document No.586 of 2006.

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4.It is the further case of the petitioner that his brother executed another easement rights of same pathway to this wife, who is the third respondent herein and again she created a forgery deed and executed in favour of the fifth respondent. Again, the third respondent executed a sale deed in respect of the same pathway to the fourth respondent. Thereafter, the fourth respondent sold the same property to one Kavitha on 22.08.2022, who is the sixth respondent herein and the fourth respondent sold the same property to the seventh respondent. The third respondent purchased the property from the petitioner in Document No. 4894/10, which has no pathway and the third respondent executed a deed in favour of the eighth respondent and the eighth respondent has executed a sale deed in favour of the fourth respondent and changed the boundaries. The respondents 3 to 8 are involved in creating the forged documents and registered the same before the second respondent, who is well known the said fabrication of documents. Hence, the petitioner approached the second respondent and gave several representation to cancel the forgery registration.



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5.As per Section 22.B of the Registration Act, the Registrar should not accept the forgery documents for registration and also returned the same. In the present case, instead of returned the document, the second respondent received the said forged documents and registered the same in some personal influences. Hence, the petitioner sent a representation to the first respondent on 09.09.2022, who is the competent authority to cancel the registration of fraudulent documents.

The learned counsel for the petitioner submitted that

The learned Additional Government Pleader appearing for the respondents submitted that

18.10.2022

Index:Yes/No
Internet:Yes/No
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To

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V.BHAVANI SUBBAROYAN,J.

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