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W.P. No.1998 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.1998 of 2023 and
W.M.P.No.2081 of 2023

Dr.S.Baskar

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Integrated Building of Registration Department,
Veppamara Street, Velappadi, Vellore – 632 001.
- 3.The District Registrar,
Dharmapuri District,
Gandhi Nagar,
Dharmapuri, Tamil Nadu -636 701.
- 4.The Sub Registrar,
Sub Registrar Office Barur,
Krishnagiri District,
Krishnagiri – 635 201.
- 5.S.Ranjith Kumar
- 6.Savithri
- 7.Uma Mageshwari
- 8.Sundarampaal
- 9.Ramamani
- 10.P.S.Sivakumar
- 11.P.S.Sankaranarayanan

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 4th respondent herein to cancel the Sale Deed dated 24.06.2022, bearing Doc.No.1642 of 2022, on his records as fraudulent document and non est.

For Petitioner : Mr.T.R.Rajagopalan
Senior Counsel
For Mr.J.Ravikumar

For Respondent : Mr.R.Vigneshwaran
Government Advocate for R1 to R4

ORDER

The prayer sought for herein is for a writ of mandamus directing the 4th respondent herein to cancel the Sale Deed dated 24.06.2022, bearing Doc.No.1642 of 2022, on his records as fraudulent document and *non est*.

2. In respect of a document which has been registered at the 4th respondent office in Document No.1642/2022 dated 24.06.2022, the petitioner had given a complaint on 19.12.2022 to the 3rd respondent within the meaning of Section 77-A of the Registration Act to strike off or to cancel the document, as according to the petitioner, it is a fraudulent or bogus transaction and also in the very same complaint



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dated 19.12.2022, the petitioner sought for direction to be issued by the 3rd respondent to the 4th respondent not to entertain any further document from the persons against whom such complaint had been given.

3. Considering the said complaint given by the petitioner dated 19.12.2022 the 3rd respondent had forwarded the same by his proceedings dated 27.12.2022 to the 4th respondent jurisdictional Sub Registrar with a directive issued to the petitioner to approach the Sub Registrar and make a protest not to register any document in future and that has been considered by the 4th respondent Sub Registrar, who, in turn, passed a proceedings dated 04.01.2023 stating that the petitioner for getting such a relief sought for therein, has to approach the Civil Court, only at that juncture the petitioner has moved the present writ petition with the aforestated prayer.

4. Heard Mr.T.R.Rajagopalan, learned Senior Counsel appearing for the petitioner who would point out that, in the said complaint dated 19.12.2022, the petitioner has sought for two prayers, first prayer is to give a direction to the Sub Registrar not to entertain any document from the 5th respondent or any third parties without the concurrence of the



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petitioner in respect of the property in question as the property belongs to the petitioner, according to him. The second prayer is that, the document already been registered fraudulently dated 24.06.2022 in Document No.1642/2022, shall be enquired into and it should be cancelled by the orders of the 3rd respondent District Registrar as he is empowered under Section 77-A of the Act.

5. When that being so, the 3rd respondent, having taken note of the complaint given by the petitioner dated 19.12.2022 as if it is only for the one prayer not to entertain future documents, had forwarded the same to the Sub Registrar 4th respondent, who, in turn, directed the petitioner by his proceedings dated 04.01.2023 to approach the Civil Court, therefore the action on the part of the 3rd respondent in entertaining the complaint given by the petitioner dated 19.12.2022 is not in consonance with Section 77-A of the Registration Act, therefore the learned Senior Counsel seeks indulgence of this Court against such a move made by the 3rd respondent and to give a direction to the 3rd respondent to entertain such a complaint within the meaning of Section 77-A of the Act and to conduct enquiry.



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6. Heard Mr.R.Vigneswaran, learned Government Advocate appearing for the official respondents who would submit that, since two part of the prayer have been sought for in the said complaint dated 19.12.2022, the District Registrar had forwarded the same to the 4th respondent to act upon in respect of one part of the prayer. However insofar as the other part of the prayer to set aside the document or cancel the document in question registered on 24.06.2022 is concerned, certainly that would be considered within the meaning of Section 77-A of the Act and in this regard the matter can be remitted back or a direction can be given to the 3rd respondent to that effect, based on which, after giving notice to both the petitioner as well as the private respondents herein, enquiry would be conducted and ultimate decision would be taken by the 3rd respondent District Registrar within a time frame that may be stipulated by this Court.

7. In view of the order going to be passed in this writ petition, notice to the private respondents is dispensed with.

8. I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.



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9. As has been rightly pointed out by the learned Senior Counsel appearing for the petitioner, in the said representation dated 19.12.2022 the petitioner has sought for two prayers with the 3rd respondent, one is to give a direction to the Sub Registrar 4th respondent not to entertain the document from the 5th respondent in respect of the property in question and the second prayer is that, the document dated 24.06.2022 has to be cancelled after conducting an enquiry to that effect, as according to the petitioner, it is a fraudulent or bogus document.

10. However the 3rd respondent, by his proceedings dated 27.12.2022, has simply forwarded the issue to the 4th respondent Sub Registrar as if that there was one relief sought for by the petitioner through his representation dated 19.12.2022 and omitted to take up the other relief sought for by the petitioner to cancel the document dated 24.06.2022.

11. It is to be noted in this regard that, after 16.08.2022 since Section 77-A of the Registration Act along with other some Sections have been inserted in the Registration Act by the State amendment, under which, the District Registrar concerned are empowered to conduct an



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enquiry on any complaint or representation received from the aggrieved party with regard to the alleged forged or bogus documents already been registered at the concerned Registering Authority, after conducting enquiry, if ultimately the District Registrar comes to the conclusion that, the document in question is a fraudulent or bogus document, the same can very well be cancelled by giving suitable direction to the Sub Registrar concerned.

12. When that being so, the mere forwarding of the complaint of the petitioner dated 19.12.2022 for only one relief, i.e., future registration without considering the other relief sought for by the petitioner to cancel the document in question may not be justifiable. Therefore, this Court has no hesitation to hold that, a suitable direction can be given to the 3rd respondent to act upon on the representation or complaint given by the petitioner dated 19.12.2022 within the meaning of Section 77-A of the Registration Act.

13. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

(i) There shall be a direction to the 3rd respondent to



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entertain the complaint or representation dated 19.12.2022 filed by the petitioner and accordingly conduct an enquiry by giving an opportunity of being heard to both the petitioner as well as the private respondents herein and after completing the enquiry, if ultimately the District Registrar 3rd respondent comes to the conclusion that, the document in question dated 24.06.2022 is a fraudulent or bogus document, either suitable action to cancel the same otherwise orders to that effect, shall be passed by the District Registrar.

(ii) Insofar as the other prayer sought for by the petitioner not to entertain any document in future from the 5th respondent or any third party are concerned, the communication issued by the 4th respondent Sub Registrar dated 04.01.2023 need not be acted upon and in this regard a direction is hereby given to the 4th respondent not to entertain any document pertaining to the property in question from the 5th respondent or any third parties unless the issue raised before the 1st respondent through the representation of the petitioner dated 19.12.2022 is decided after enquiry as indicated above and for the said purpose, the 4th respondent can await the decision to be taken by the 3rd respondent on the complaint given by the petitioner dated 19.12.2022. The needful as indicated above to complete the enquiry and to pass orders under Section 77-A of the Act on the complaint of the petitioner dated



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19.12.2022 shall be undertaken within a period of twelve weeks from the date of receipt of a copy of this order.

14. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.01.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

1. The Inspector General of Registration
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.
2. The Deputy Inspector General of Registration,
Integrated Building of Registration Department,
Veppamara Street, Velappadi, Vellore – 632 001.
3. The District Registrar, Dharmapuri District,
Gandhi Nagar, Dharmapuri, Tamil Nadu -636 701.
4. The Sub Registrar,
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R.SURESH KUMAR, J.



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