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W.P.No.2663 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.2663 of 2023

K.Chandrasekar

... Petitioner

Vs.

1.The District Registrar (Admin),
Tiruvallur Registration District,
JVC Commercial Complex, Near ICMR,
Vedanginallur, Tiruvallur – 631 203,
Tiruvallur District.

2.The Sub-Registrar,
Gummidipoondi Sub-Registration Office,
Gummidipoondi – 601 201,
Tiruvallur District.

3.Bogala Venu @ B.Venu

4.V.Ravanaiah

5.M.Munirathinam

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to hold or conduct enquiry on the representation of the petitioner, dated 22.07.2022 in accordance with the amended provisions, under Section 77A read with Section 22-B of the Registration Act, 1908 in respect of the sale deeds, both dated 13.06.2022, vide Document Nos.3392 & 3394/2022, registered at the Sub-Registrar Office, Gummidipoondi created by the third respondent in the name of the respondents 4 &



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5 in respect of vacant land, comprised in Grama Natham Survey No.445/12B, situated at Kumaranaickenpettai Village, Eguvarpalayam, Village-II, Gummidipoondi Taluk, Tiruvallur District.

For Petitioner : Ms.J.Anitha

For Respondent : Mr.Yogesh Kannadasan, for RR1 & 2
Special Government Pleader

ORDER

This Writ Petition has been filed to direct the first respondent to conduct an enquiry under Section 77A read with Section 22-B of the Registration Act, 1908 to cancel the document dated 13.06.2022 vide Document Nos.3392 and 3394 of 2022 registered by the third respondent in the name of the respondents 4 and 5, in respect of the vacant land.

2. Heard, the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2.

3. At the outset, this Court is of the view that the writ petition is misconceived and cannot be maintained at all. What is sought to be undone is a document executed by the third respondent to the fourth and fifth respondents. When the document is executed by the person claiming to be a owner of the property, such document or such act will never be construed as a fraudulent act. To bring



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within the ambit of the forgery, there must be a creation of false record or document.

Even the person who have no title, bonafidely believing himself to be the title holder can execute certain document and such document will not come within the ambit of forgery or fraud. The petitioner who has already filed a civil suit in O.S.No.30/2021, cannot seek such a relief in the writ petition.

4. Accordingly, the Writ Petition is dismissed. No costs.

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Index :Yes/No

Neutral Citation :Yes/No

AT

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N.SATHISH KUMAR, J.

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