



WEB COPY



Writ Petition No.28622 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.28622 of 2015
and M.P.No.1 of 2015

U.P.Udayakumar

... Petitioner

-Vs-

1. The Inspector General of Registration,
Inspector General Office,
Santhom, Chennai – 4.

2. The District Registrar,
District Registrar Office,
Thiruvallur District.

3. Sub Registrar,
Sub Registration Office,
Thiruvellankaddu,
Thiruvalluvar District.

4. S.Dinesh Kumar
5. S.Vishnu Reddy
6. Mahadeva Reddy
7. S.Ranga Reddy
8. S.Subramani

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd
respondents to conduct an enquiry pursuant to the fraudulent documents



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viz, Doc.No.563/07 dt. 11.09.2007, Doc.No.10528/07 Dt. 19.10.2007, Doc.No.81/08 Dt. 22.02.2008 and Doc.No.144/08 Dt.13.03.08 registered with the 3rd respondent executed between 4th to 8th respondent and to take appropriate legal action against the 4th to 8th respondents.

For Petitioner : Mr. P.Vijendran
For Respondents : Mr.T.Arunkumar
Additional Govt. Pleader [R1 to R3]
Mr.K.Dhananjayan [R5 to R7]

ORDER

This writ petition was filed to direct the respondents 1 and 2 to conduct an enquiry pursuant to the fraudulent documents viz, Doc.No.563/07 dated 11.09.2007, Doc.No.10528/07 dated 19.10.2007, Doc.No.81/08 dated 22.02.2008 and Doc.No.144/08 dated 13.03.2008 registered with the 3rd respondent executed between 4th to 8th respondent and to take appropriate legal action against the 4th to 8th respondents.

2. The learned counsel appearing for the petitioner mainly contend that the respondents 4 to 8 executed a fraudulent sale deeds and the petitioner submitted a complaint for conducting an enquiry. Since the Authorities have not conducted an enquiry, the petitioner is constrained to move the present writ petition.



3. The Government circular issued in No.67/2011 was withdrawn and an amendment was effected in the Registration Act, 1908[in short, 'the Act'], therefore, the petitioner is entitled to approach the competent authority under Section 77-A of the Act for analyzing the document on the ground of fraud or impersonation. In this regard, the competent authority has to conduct a summary proceedings and pass appropriate order. If at all any title dispute or otherwise exist between the parties, the parties are to be relegated to approach the competent civil court of law. However, the District Registrar is empowered to conduct an enquiry with reference to the fraudulent documents or the documents registered by way of impersonation.

4. That being the factum, the petitioner is at liberty to file an appropriate complaint before the competent authority and in the event of receiving any such complaint, the competent authority shall conduct an enquiry and pass final orders by affording an opportunity to all the parties on merits and in accordance with law.

5. Learned counsel appearing for the contesting respondents made a submission that they have filed a civil suit and a decree was passed in



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there in. In the event of any complaint made by the petitioner, the
contesting respondents are at liberty to submit all those documents
including the decree obtained by the respondents.

With the above observations, this writ petition stands disposed of.

No costs. Connected miscellaneous petition is closed.

06.06.2023

Index : Yes
Speaking order: Yes
Neutral Citation: Yes/No
mp



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S.M.SUBRAMANIAM, J.

mp

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