



WEB COPY



Writ Petition No.30105 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.30105 of 2015
and M.P.Nos.1 and 2 of 2015

G.V.Vishnukanthan

... Petitioner

-Vs-

1. The Inspector General of Registration,
Office of Inspector General of Registration,
Santhome High Road, Chennai.
2. The District Registrar,
(Assistant Registrar General), Salem West, Salem.
3. The Sub-Registrar, Office of Sub-Registrar,
Salem West, Salem.
4. S.Udhayakumar
5. Chinnaraj

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned sale agreement deed vide document No.2414 of 2012 dated 04.07.2012 registered by the 3rd respondent and quash the same, consequently direct the 3rd respondent to delete the encumbrance entry with respect of the impugned sale agreement in the encumbrance certificate within a time frame.



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For Petitioner : Ms.D.Jeevitha
for Mr.R.Nalliyappan

For Respondents : Mr.T.Arunkumar
Additional Govt. Pleader [R1 to
R3]
: R4- Not ready in notice
: R5- No appearance

ORDER

This writ petition has been filed to quash the impugned sale agreement deed vide document No.2414 of 2012 dated 04.07.2012 registered by the 3rd respondent and consequently direct the 3rd respondent to delete the encumbrance entry with respect of the impugned sale agreement in the encumbrance certificate within a time frame.

2. The grievances of the writ petitioner is that a forged document has been registered at the instance of respondents 4 and 5 and the petitioner approached the Civil Court and obtained a decree in his favour. Though the Civil Court crystallized the right of the petitioner, the third respondent has not taken any action to cancel the fraudulent document registered at the instance of respondents 4 and 5. Thus, the petitioner is constrained to move the present writ petition.



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3. Learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 made a submission that the sale agreement registered and returned by the third respondent is not illegal. The document was already handed over to the parties concerned and only in the event of an order of Court, the Sub-Registrar will be in a position to cancel the sale agreement with reference to the subject mentioned property.

4. In view of the amendment to the Registration Act, the petitioner is entitled to approach the District Registrar concerned under Section 77-A of the Registration Act, 1908 to cancel the fraudulent document registered. Thus, the petitioner is at liberty to approach the competent authority under Section 77-A of the Registration Act, 1908 for cancelling the alleged fraudulent document executed and in the event of any such complaint, the competent authority shall conduct an enquiry by affording an opportunity to all the parties concerned and decide the issue on merits and in accordance with law.



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S.M.SUBRAMANIAM, J.

mp

Accordingly, this writ petition stands disposed of. No costs.

Connected miscellaneous petitions are closed.

06.06.2023

Index : Yes

Speaking order: Yes/No

Neutral Citation: Yes/No

mp

To

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