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W.P.No.9096 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9096 of 2022

Thiru.K.Jawahar, S/o. S.Kadhar Mohamed,
No.3, Karur Main Road,
D.Kalipalayam,
Kouthupalayam Village,
Dharapuram Taluk,
Tiruppur District.
(Represented by his General Power of Attorney
Mr.K.S.Govindharaj, by a Registered GPA bearing
Document No.12095 of 2021 on the file of
Sub Registrar, Dharapuram)

... Petitioner

Vs.

1. Inspector General of Registration,
Office of Inspector General of Registration,
Santhome, Chennai – 600 004.
2. District Registrar,
Office of the District Registrar,
Tiruppur District.
3. Sub Registrar,
Office of the Sub Registrar,
Dharapuram,
Tiruppur District.
4. Mrs.M.Asiya Begum



5.Mr.M.A.Jaffar Ali

6.Mr.J.Kathirvelan

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to cancel the registration of the fake documents dated 14.01.2011 and 14.11.2014 bearing document Nos.362 of 2011 and 7695 of 2014 respectively on the file of the Sub Registrar, Dharapuram as those documents were fabricated, fraudulent, bogus and created for the self-enrichment of the concerned individuals.

For Petitioner	: Mr.J.Ravi Kumar
For R1 to R3	: Mr.C.Jayaprakash Government Advocate
For R4	: Mr.J.Ashok
For R5	: Not Ready in Notice
For R6	: No Appearance

ORDER

The relief sought for in the present writ petition is to direct the 3rd respondent to cancel the registration of the fake documents dated 14.01.2011 and 14.11.2014 bearing Document Nos.362 of 2011 and 7695 of 2014 respectively on the file of the Sub Registrar, Dharapuram as those documents



were fabricated, fraudulent, bogus and created for the self-enrichment of the concerned individuals.

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2. The learned counsel for the petitioner strenuously contended that the subject property originally owned by the Maruthappa Mariyammal Teacher Training Institute was sold in favour of one Mr.S.Natarajan vide sale deed dated 19.03.2010. Thereafter, a fraudulent transaction occurred and the sale deed was executed by the Tamil Nadu Muslim Women Education and Welfare Association in favour of one Mr.A.Jaffer Ali.

3. At the outset, the learned counsel for the petitioner contended that a fraudulent sale deed was executed in respect of the property belonged originally in the name of the Maruthappa Mariyammal Teacher Training Institute.

4. The affidavit filed in support of the writ petition reveals that the disputes raised are of civil nature and cannot be adjudicated in a writ proceeding under Article 226 of the Constitution of India.



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5. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the process through which a decision has been taken is in consonance with the Statutes and Rules in force, but not the decision itself. In the present case, regarding allegation of fraudulent registration of document, which is of civil nature is to be adjudicated before the Competent Civil Court of Law based on the original documents and evidences available on record. Trial natured proceedings are warranted for the purpose of declaring a document as a fraudulent document or otherwise. Contrarily, merely based on the affidavit, the High Court cannot form an opinion that the registered document is a fraudulent document and is to be cancelled.

6. In respect of the document prior to the amendment and insertion of Section 77-A of the Registration Act. The parties have to approach the Competent Civil Court of Law for declaration. The complex nature of fact of civil nature is to be adjudicated before the Civil Court and this being the factum, the petitioner is at liberty to approach the Civil Court of law for the purpose of resolving the issues in the manner known to law.



7. With this liberty, this Writ Petition stands disposed of. No costs.

WEB COPY

14.08.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

- 1.The Inspector General of Registration,
Office of Inspector General of Registration,
Santhome, Chennai – 600 004.
- 2.The District Registrar,
Office of the District Registrar,
Tiruppur District.
- 3.The Sub Registrar,
Office of the Sub Registrar,
Dharapuram,
Tiruppur District.



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S.M.SUBRAMANIAM, J.

Jeni

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