



W.P.No.24663 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06 .11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.24663 of 2016

and

W.M.P.Nos.21055 & 30866 of 2016

1. T.Parameswari

2. Thirukumaran Marchal

... Petitioners

Vs.

1. The Union of India,
Represented by,
The Chief Secretary to Government,
Government of Union Territory of Puducherry,
Puducherry.

2. The District Registrar,
Puducherry.

3. The Sub Registrar,
Oulgaret,
Puducherry.

4. T.Subburathinam

5. Umadevi

6. S.Sakthivel

... Respondents



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PRAYER:
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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the second respondent relating to the impugned order of the second respondent dated 20.06.2016 in D.R.P.No.08 of 2016 and to quash the same.

For Petitioners : Mr.T.Saikrishnan
for M/s.Sai Bharath and Ilan

For R1, R2, R3 & R6: Mrs.V.Usha
Additional Government Pleader

For R4 & R5 : Mr.R.Natarajan

* * * * *

ORDER

This Writ Petition has been filed to issue a Writ of Certiorari, to quash the impugned order dated 20.06.2016 passed by the second respondent in D.R.P.No.08 of 2016.



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2. Learned counsel appearing for the petitioners submitted that the second respondent has no power or authority to cancel the document in question. Though Section 77 of the Amendment Act empowers the District Registrar to cancel the fake documents, it came only at a later point of time, whereas the document in question was registered much earlier in 2014.

3. Learned counsel appearing for the respondents submitted that there is no such provision to cancel the registered document. The reasons stated in the petition are also not correct. The title cannot be decided by the Registrar and only the competent Court/Civil Court has to decide the right and title of the parties.

4. Learned counsel appearing for the private respondents submitted that though the petitioner already bought property and constructed the building and produced house tax receipts and he is also in possession of the property, suppressing the facts, he executed and obtained Patta relating to a vacant site and also created a document in



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favour of his wife, which clearly shows that the writ petitioner concocted the document. Though the District Registrar has no power to test or decide the right and title of the parties, the second respondent finds that it is a fraudulent document and exercising his power, cancelled the fraudulent document. Whether the official respondents have established the power and that the document sought to be registered by the writ petitioner is a fraudulent document or not, has to be decided by the second respondent and accordingly the second respondent has rightly cancelled the document and therefore, there is no merit in the petition.

5. Learned Government Advocate (Pondicherry) appearing for the respondents 1 to 3 submitted that, based on the complaint, notice was issued to rival parties and only after considering all the materials, the order was passed.

6. Heard and perused the materials available on record.



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7. Admittedly, the third respondent registered the document produced by the petitioner. Based on the Power of Attorney, sale deed was executed in favour of petitioner's wife. Subsequently, based on the complaint made by the private respondents, the second respondent issued notice, and thereafter, finding that the document registered by the third respondent is a fraudulent one, he cancelled the said document.

8. As stated by the learned counsel for the petitioner, the second respondent has no authority to cancel the document which is already registered and therefore, the impugned order passed by the second respondent is set aside. However, the petitioner cannot claim any right, since the rival claims regarding right, title and possession of the property has to be decided only by the Civil Court. The petitioner is not entitled to claim any relief as prayed for in this writ petition.



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9. Accordingly, the Writ Petition is disposed of in the above terms. The petitioner is at liberty to work out his remedy in the manner known to approach the Civil Court to establish his right, title, interest and possession of the property in question. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.11.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Union of India,
Represented by,
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Puducherry.
2. The District Registrar,
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P.VELMURUGAN, J.

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