



WEB COPY

W.P.No.13513 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13513 of 2023

R.Devi

... Petitioner

Vs.

1.The District Registrar
Coimbatore.

2.Hafeefa Arashiya

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to pass orders in the complaint dated 18.11.2022 preferred by the petitioner within the time stipulated by this Court.

For Petitioner

: Mr.G.R.Deepak

For R1

: Mr.D.Ravichander

Special Government Pleader



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ORDER

The writ petition has been filed to direct the 1st respondent to pass orders on the complaint dated 18.11.2022.

2. The complaint filed by the petitioner dated 18.11.2022 reveals that by way of impersonation and forging the Voter Identity Card, power of attorney had been registered. The detailed allegations set out in the complaint would reveal that the District Registrar would be incompetent to conduct an investigation in such nature of allegations, which all are offences under the Indian Penal Code.

3. Whenever, certain allegations are found to be an offence under the I.P.C., then the District Registrars may not be in a position to conduct the investigation for the purpose of resolving the issues or to cancel the documents. In such circumstances, the parties aggrieved have to approach the competent Police Authorities by registering a complaint along with the documents. An investigation in such nature of allegations is imminent for the purpose of resolving the issues.



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4. The power of investigation in the matter of criminal offences cannot be conferred on the District Registrar nor can't the District Registrars of the Registration Department conduct an investigation into criminal offences. It will cause greater prejudice to the aggrieved persons and therefore, the petitioner in the present case has to approach the Jurisdictional Police Authorities for the purpose of registering a complaint and for conducting investigation in the manner known to law.

5. The learned counsel for the petitioner brought to the notice of this Court that F.I.R. has already been registered and the process of investigation are going on. That being the fact, the District Registrar may not be in a position to conduct any investigation at present, since the criminal investigations are in progress. Only after the disposal of the criminal proceedings, the petitioner has to approach the Registering Authority for cancellation of document or otherwise.

6. However, the petitioner may submit an application to the District Registrar not to register any further document in respect of the subject property till such time the criminal proceedings or the civil proceedings are



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concluded. Such an application if filed by the petitioner, the same shall be entertained by the Registering Authority in the manner known to law.

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7. With these observations, the Writ Petition stands disposed of. No costs.

02.06.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The District Registrar
Coimbatore.



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S.M.SUBRAMANIAM, J.

Jeni

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