



WEB COPY

WP No.26785 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-09-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.26785 of 2014

And

MP No.2 of 2014

D.Veeramani

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by The Inspector General of Registration,
Office of the Registration Department,
100, Santhome High Road,
Pattinambakkam,
Chennai-600 028.

2.The District Registrar,
Cuddalore,
Cuddalore District.

3.Sub Registrar,
Kadampuliyur Registration Office,
Cuddalore District.



4.V.Kulaindaivel

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to Na.Ka.En.921/Aa1/2014 dated 08.09.2014 issued by the second respondent and quash the same.

For Petitioner : Mr.A.Balasingh Ramanujam

For Respondents-1 to 3 : Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-4 : No Appearance

ORDER

The order dated 08.09.2014 issued by the second respondent reveals that the petitioner is liable in respect of fraudulent documents registered under the provisions of the Registration Act, 1908.

2. The District Registrar, Cuddalore had conducted an elaborate enquiry by affording opportunity to all the parties concerned and made a finding in the impugned order that the petitioner is responsible for



execution of fraudulent documents and for land grabbing.

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3. In view of the fact that the allegations are established, the District Registrar invoked Section 83 of the Registration Act, 1908 and recommended for criminal prosecution.

4. The petitioner filed the present writ petition in the year 2014 and the criminal prosecution is yet to be initiated on account of the interim stay granted in the present writ petition.

5. The order impugned states that the aggrieved person is at liberty to prefer an appeal before the Inspector General of Registration and the said appellate remedy has not been exhausted by the writ petitioner.

6. The disputed facts relating to such fraudulent documents are to be adjudicated by scrutinising the original documents and evidences. Therefore, filing an appeal is necessary in the present case and the petitioner is at liberty to prefer an appeal before the Inspector General of Registration in the manner contemplated. Exhausting the appellate remedy is of



paramount importance.

7. The factual findings of the Appellate Authority are of greater assistance to the High Court for the purpose of exercise of the power of Judicial Review.

8. Considering the facts and circumstances, the petitioner is at liberty to prefer an appeal before the Inspector General of Registration.

9. With the above liberty, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

15-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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State of Tamil Nadu,
Office of the Registration Department,
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Pattinambakkam,
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S.M.SUBRAMANIAM, J.

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