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W.P.Nos.29310 and 31805 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.29310 and 31805 of 2022

and

W.M.P.Nos.28610 and 31266 of 2022

W.P.No.29310 of 2022

C.A.Natarajan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Registration Department,
Fort St.George, Chennai – 600 009.
2. The Deputy Inspector General of Registration,
No.26FJ+ GV8, Integrated Building for offices
of Commercial taxes and Registration Department,
Fanepet, Nandanam,
Chennai – 600 035.
3. The District Registrar,
Chennai(South),
DIG of Registration Office Complex,
No.537, Fanepet, Nandhanam,
Chennai – 600 035.
4. P.Jaiganesh



5. Tmt.H.Kirthika,

6. Tmt.P.Usha

7. Tmt.A.Asharani

8. Tmt.S.Ishwarya

9. M/s.Santhanalakshmi Spinning Mills,
rep. by P.Jaiganesh,
No.381, Saradha College Road,
Alagapuram Fair Lands,
Salem – 636 016.

10. P.Yedasammal

11. P.Raguraman

12. D.Sathyaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorari, calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings Na.Ka.No.17118/E2/2021 dated 11.03.2022 and the impugned order passed by the 2nd respondent in his proceeding Na.Ka.No.1392/B1/2022 dated 13.10.2022 and quash the same.

For Petitioners

: Mr.N.G.R.Prasad
for Mr.K.Raja

For Respondents

: Mr.Yogesh Kannadasan,
Special Government Pleader
(for R1 to R3)



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W.P.Nos.29310 and 31805 of 2



Mr. N.L.Rajah,
Senior Counsel
for Mr.M.R.Jothi Manian
(for R4 and R9)

Mr.K.Ravi (for R5)

Mr.K.Balu (for R6 to R8)

Mr.V.Prakash,Senior Counsel
for Mr.T.Dharani (for R10 to R12)

W.P.No.31805 of 2022

C.A.Natarajan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Revenue Department,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai – 600 005.
3. The District Collector,
Rajaji Salai, Chennai – 600 001.
4. The Revenue Divisional Officer,
South Chennai, Guindy,
Chennai – 600 032.
5. The Tahsildar,
Sholinganallur Taluk,
Chennai – 600 119.



6. P.Jaiganesh

7. Tmt.H.Kirthika,

8. Tmt.P.Usha

9. Tmt.A.Asharani

10.Tmt.S.Ishwarya

11. M/s.Santhanalakshmi Spinning Mills,
No.381, Saradha College Road,
Alagapuram Fair Lands,
Salem – 636 016.

12. Tmt.Sangamithra Sowmiya Anbumani

13.P.Yedasammal

14.P.Raguraman

15.D.Sathyaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the 4th respondent to dispose of the statutory appeal dated 17.11.2022 preferred as against the patta dated 13.11.2022 granted by the 5th respondent in favour of the 12th respondent within the time stipulated by this Hon'ble Court.

For Petitioner

: Mr.N.G.R.Prasad
for Mr.K.Raja

For Respondents

: Mr.Yogesh Kannadasan,



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W.P.Nos.29310 and 31805 of 2



Special Government Pleader
(for R1 to R5)

Mr. N.L.Rajah,
Senior Counsel
for Mr.M.R.Jothi Manian
(for R6 and R11)

Mr.K.Balu (for R8 to R10 & R12)

Mr.N.Senthilkumar (for R7)

Mr.V.Prakash, Senior Counsel

for Mr.T.Dharani (for R13 to R15)

ORDER

The writ petition in W.P.No.29310 2022 has been instituted questioning the validity of the order dated 11.03.2022 passed by the 3rd respondent / the District Registrar and the impugned order passed by the 2nd respondent / the Deputy Inspector General of Registration in the proceedings dated 13.10.2022 and the writ petition in W.P.No.31805 of 2022 has been filed to dispose of the statutory appeal dated 17.11.2022

2. The petitioner states that originally the properties in Survey No.403, 404 and 405 in plot nos. 338, 339 and 371 to an extent of 52,800 sq.ft (22 grounds) and other properties totalling to 113 acres situated at



Pannayur, Sholinganallur Revenue Village, Sholinganallur Taluk, Chennai

District was owned by one Chokkalinga Mudaliyar. On 10.11.1966 irrevocable Power of Attorney in Document No.650 of 1966 had been executed in favour of one Mr. P.Ganesan, S/o. Perumal Pillai, who was the proprietor of Modern Builders.

3. The petitioner state that the vacant house site situated at Sholinganallur Village, Chennai District within the limits of Greater Chennai Corporation bearing plot nos. 338, 339 and 371 situated in seashore town, to an extent of 52,800 sq.ft (22 grounds) had been purchased by Mr.Perumalsamy Naidu, S/o Samykannu by way of sale deed dated 21.12.1966 registered as Document No.4279 of 1966 on the file of the SRO, Saidapet from Mr.P.Ganesan. The said Mr. Perumalsamy Naidu died in *intestate* on 21.06.1973 leaving behind his wife Tmt.P.Yedasammal and his son P.Raguraman and as his legal heirs. After the demise of Perumalsamy Naidu, patta was obtained in respect of the said land in the name of respondents 10 and 11 jointly through Patta Nos.9978 and 9989 issued by Sholinganallur Tasildar Office.



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4. The dispute arose between the parties in view of the fact that the same property has been registered by two different persons with the same document number. In other words, Document No.4279 of 1966 was allotted in respect of two distinct sale deeds, which created dispute between the parties.

5. The learned Senior Counsel appearing on behalf of the petitioner mainly contended that the petitioner is a *bonafide* purchaser of the subject property described in the writ proceedings. The petitioner is the holder of the original title deeds purchased by paying the sale consideration.

6. That being the factum, the other documents registered under the same document number is forged one and therefore, an action is to be taken in respect of the documents possessed by the contesting respondents.

7. In view of the fact that two documents under the same document number existed, the 4th respondent in the present writ petition filed a complaint before the District Registrar to declare the document owned by the petitioner as fraudulent under Section 77-A of the Registration Act. The



District Registrar, South Chennai conducted an enquiry by affording opportunity to all the parties. The findings of the order passed by the District Registrar, South Chennai reveals that there are certain discrepancies in respect of the document produced by the contesting petitioner and the respondents and accordingly arrived at a conclusion that the document possessed by the 4th respondent is genuine and consequently held that the documents in possession of the writ petitioner is a forged one.

8. Ultimately, the document possessed by the writ petitioner was found to be fraudulent by the District Registrar. The writ petitioner preferred an appeal before the District Inspector General of Registration, Chennai, who in turn also adjudicated the issues independently by affording opportunity to the parties and by scrutinising the documents presented by the parties before the Appellate Authority.

9. The grounds of appeal filed by the appellant were considered and the title of the properties, right from the year 1977 till the date of hearing of the appeal were considered by the Appellate Authority in an elaborate manner. The appellate authority after conducting enquiry, confirmed the



orders passed by the District Registrar, holding that the document possessed by the writ petitioner are forged one.

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10. The learned Senior Counsel appearing on behalf of the writ petitioner mainly contended that the reasons given by the District Registrar and the Appellate authority are not candid and more so, they have not obtained any expert opinion or otherwise with reference to the signatures of the parties and therefore the orders have to be set aside.

11. When the writ petition was heard before this Court on 17.03.2023, this Court passed an interim order recording the dispute between the parties with reference to the registered documents and referred the matter for forensic analysis and accordingly, the original records presented before the High Court were sent to the Central Science Forensic Laboratory(CSFL, Hyderabad) for obtaining their opinion. The Central Science Forensic Laboratory examined the documents and submitted its report on 18.04.2023. The opinion and the reasons recorded by the Forensic Laboratory reads as follows:-



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“12. RESULTS OF EXAMINATION

A. OPINION

The documents of this case have been carefully and thoroughly examined with necessary scientific aids.

1. The person who wrote the blue enclosed signatures stamped and marked Ex. AS-1 to Ex. AS-5 did not write the red enclosed signature similarly stamped and marked Ex. S-6 in Ex. B-1.

2. The person who wrote the blue enclosed signatures stamped and marked Ex. AS-1 to Ex. AS-5 also write the red enclosed signature similarly stamped and marked Ex. S-5 in Ex. A-1.

3. The person who wrote the blue enclosed signatures stamped and marked Ex. S-3 and Ex. S-4 did not write the red enclosed signature similarly stamped and marked Ex. S-2 in Ex. B-1.

4. The person who wrote the blue enclosed signatures stamped and marked Ex. S-3 and Ex. S-4 also wrote the red enclosed signature similarly stamped and



marked Ex. S-1 in Ex. A-1.

Examiner

B. REASONS

Reference: Para 1 of the opinion

My opinion is based on the consideration of differences in writing habits observed between the questioned and standards. The standards, in the form of admitted genuine signatures, on a meticulous inter-se comparison are found to exhibit the natural writing habits of the writer and portray the consistency with which the writing habits are executed. Further, they show natural variation, which is expected of genuine signatures of a person. The standards, thus, form a suitable basis for comparison with the questioned. The general writing habits such as degree of skill, habitual speed of writing, fundamental muscular movement as well as coordination, slant, alignment, relative size and proportion of characters are observed different between the questioned and standards. The writer of questioned in an attempt to



follow the model and design of genuine signature, have compromised the speed of execution at places in the questioned. The questioned are observed to have pen pauses at unusual places resulting in a poor line quality when compared with standards, thus, revealing the consciousness of writing act in questioned. Differences are also observed in the minute and inconspicuous details of formation of various characters between the questioned and standards. Some of such differences of individual nature are the following.

Nature of commencement of initial isolated down stroke; shape of initial body curve in subsequent character together with nature as well as extent of isolated down stroke cutting the curve; nature of pen impulse motions at the body of subsequent character, shape of loop at its tail; formation of body parts in subsequent wavy characters together with nature of impulses at their body parts as well as manner of



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connecting them and shape of spine in terminal character are observed different between the questioned and standards. The questioned signature is bereft of the careless natural abandon which is observed in the standards. Furthermore, the document containing the said questioned signature appears to be a fake stamp paper when observed under various light conditions.

The aforesaid differences observed in discriminating elements are beyond the expected range of natural variation for these elements within the signatures with which they are being compared. These differences cannot be attributed to writing conditions, other external or internal factors and disguise. The differences are fundamental in nature which offset the weight of any pictorial similarities and their consideration leads me to the opinion of different authorship. The similarities observed are superficial in nature as attention is directed towards more obvious features rather than the subtle



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ones.

Reference: Para 2 of the Opinion

My opinion is based on the cumulative consideration of various similarities in writing habits occurring between the questioned and the standards. The standards, in the form of admitted genuine signatures, on a meticulous inter-se comparison are found to exhibit the natural writing habits of the writer and portray the consistency with which the writing habits are executed. Further, they show natural variation, which is expected of genuine signatures of a person. The standards, thus, form a suitable basis for comparison with the questioned. Both the questioned and standards agree in general writing habits of skill, which is high; speed, which is moderate to rapid; movement, which is forearm predominant; pen pressure, which is low and also in alignment, relative size and proportion of characters etc. Similarities are also observed in the minute and inconspicuous details of



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formation of various characters between the questioned and the corresponding standards. Some of such individual characteristic similarities, which form the basis of handwriting identification of a person, are the following.

Tapering finish of initial isolated down stroke; nature of body curve in the introductory part of subsequent character together with location as well as finish of isolated down stroke crossing the curve; shape of body eyelet in subsequent curvy character; nature of loop at the tail of subsequent character; rhythmic movement of formation of subsequent wavy characters, nature of impulse motions at their apex together with manner of connecting them and movement of formation of terminal character together with shape of its spine as well as tapering finish are observed similar between the questioned and standards.



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Both the questioned and the standards are freely written. No fundamental difference could be observed in the production of questioned when compared with the corresponding standards. On the other hand natural variation is exhibited, which is a sign of genuineness. The aforesaid similarities in discriminating elements are qualitatively significant as well as quantitatively sufficient and cannot collectively coincide in the writing habits of two different persons. Collective consideration of these similarities along with the smooth, normal and consistent line quality leads me to the opinion of common authorship.

Reference: Para 3 of the Opinion

My opinion that the questioned signature is not prepared by the author of standard signatures is established on the presence of significant or irreconcilable differences in writing habits observed between them. A comparative study of the standard signatures in the form of admitted genuine Signatures



reveals that they exhibit the normal/natural writing habits of its author and portray the consistency with which the writing habits are executed. They also show natural variation among them, an accompaniment of genuine signatures. The standards, thus, are sufficient and suitable for comparison of the questioned. The general writing habits of skill, speed, movement, alignment, pen pressure, relative size and proportion of characters are observed different between the questioned and the standards. Slowness in execution together with pen pauses at unusual places in the questioned, resulting in a poor quality of line, reveals the consciousness of writing act in the questioned. Differences are also observed in the diminutive and discreet details of formation of various characters between the questioned and the standards. Some of such differences of individual nature are detailed below.

Nature of retrace at the introductory part of first



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character, shape of its curved body together with its extent as well as finish; commencement of second character, nature of its body curve, manner of its combination with subsequent part together with shape of eyelet formed as well as its location vis-à-vis preceding and succeeding parts; nature of pen impulse motions at the body parts of succeeding combined simplified characters together with direction of extent of this part and formation of underscore together with its finish are observed different between the questioned and standards. The divergence in authorship between the questioned and standards is exhibited in the differences in capability of construction of strokes of characters together with differences in nature of skill as well as penmanship. Furthermore, the document containing the said questioned signature appears to be a fake stamp paper when observed under various light conditions.

The aforesaid differences observed in



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discriminating elements are beyond the expected range of natural variation for these elements within the signatures with which they are being compared. These differences cannot be attributed to writing conditions, other external or internal factors and disguise. These differences in writing habits are overwhelming as well as controlling despite some pictorial similarities. These differences being fundamental in nature that cannot be accounted for by a logical explanation, it is concluded that the two sets of signatures (questioned and standards) are prepared by different authors. The similarities observed are superficial in nature, as the author of questioned has directed attention more towards the obvious features rather than the subtle ones.

Reference: Para 4 of the Opinion

My opinion is based on the observation of a combination of similarities in identifying attributes as well as a coexistent lack of any fundamental differences



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between the questioned and the standards. An inter-se comparison of the standards in the form of admitted genuine signatures reveals that they are freely written and exhibit natural variation among them. They thus form a suitable basis for comparison with the questioned. The line quality is observed normal and consistent. Both the questioned and standards agree in general writing habits of skill, which is above medium; speed, which is moderate; movement which is wrist combined with forearm and also in alignment, pen pressure, relative size and proportion of characters etc. Similarities are also observed in the minute and inconspicuous details of formation of various characters between the questioned and the corresponding standards. Some of such individual characteristic similarities, which form the basis of handwriting identification of a person, are the following.



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Nature of retrace at the introductory part of first character, shape of its apex, finish of its curvy down stroke together with its extent; commencement of top part in second character, nature of its body curve, manner of its combination with subsequent part, shape of resulting body eyelet together with its location vis-à-vis preceding and succeeding parts; movement of formation as well as manner of combination of succeeding simplified characters which is rhythmic in nature together with nature of pen impulse motions at their body parts, direction of extent of this part of signature and direction of extent of underscore together with its free flowing nature are observed similar between the questioned and standards. The isolated formation of underscore is well within the writing mutability of the author and cannot be treated as a fundamental difference. More so, it deserves mention that the personification of the writer is exhibited in the ability of formation of strokes of the characters, nature of skill and penmanship which otherwise denotes



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true signs of genuineness.

No fundamental difference could be observed in the production of questioned when compared with the standards. On the other hand they show natural variation, which itself is a sign of genuineness. The aforesaid similarities in discriminating elements are significant in nature as well as sufficient in number and cannot collectively coincide in the writing habits of two different persons. The questioned and the standards contain a sufficient number of distinctive writing characteristic features so that the likelihood of accidental coincidence can be eliminated, and there are no fundamental differences existing between the two sets of signatures, it is concluded that both sets of writings are written by the same person.”

12. The Central Science Forensic Laboratory also arrived at a



conclusion that the documents in possession of the 4th respondent is genuine and the exhibit A-1 and the signature found in the documents in Exhibit B-1 possessed by the writ petitioner are not tallying.

13. The observations made by the Central Science Forensic Laboratory is to be considered by this Court for the purpose of deciding this writ petition.

14. No doubt, High Court is not an expert body nor the powers of judicial review under Article 226 can be expanded for the purpose of declaring a particular registered document as valid or invalid or hold that the signature found in the documents are correct or otherwise. The expert opinion of the Central Science Forensic Laboratory is to be accepted in normal circumstances, unless there is incriminating evidence to establish that such examination was not in accordance with law.

15. In the present case, the Central Science Forensic Laboratory has examined / scrutinised the original documents presented before them and categorically found that the Exhibit A-1 document is genuine. Thus, this



Court do not find any reason to interfere with the findings of the Central Science Forensic Laboratory, which is made based on scientific reasons.

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16. The learned Senior Counsel appearing on behalf of the 4th and 9th respondent and the learned counsel appearing on behalf of the respondents 6 to 8 mainly contended that even the legal heir certificates are found to be forged and therefore, the writ petitioner has not established any right in respect of the subject property.

17. The respective learned counsels contended that many other forged documents are identified by the authorities during the course of investigation and such forgery has been committed in order to grab the valuable lands.

18. In reply, the learned counsel for the petitioner raised an objection by stating that there are discrepancies even in the legal heir certificate and other documents.



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19. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision is taken by the authorities in consonance with the statutes and rules in force but not the decision itself.

20. The disputed facts with reference of the original documents cannot be adjudicated in a writ proceeding. In spite of the principles, this Court has taken steps to find out the genuineness of the documents and the original documents presented before this Court were sent for forensic analysis before the Central Science Forensic Laboratory, Directorate of Forensic Science, Ministry of Home Affairs, Government of India, which is a reputed laboratory in the Hyderabad. The Central Science Forensic Laboratory has submitted a detailed report holding that Exhibit A-1 document is genuine and under these circumstances, this Court cannot go beyond the opinion of the expert body i.e., Central Science Forensic Laboratory, so as to consider the other grounds raised by the writ petitioner. As far as disputed facts are concerned, it is for the parties to resolve the same before the competent Civil Court of law and the scope of writ proceedings in this regard cannot be expanded. That apart, the District



Registrar has already referred the matter for investigation under Section 83 of the Registration Act. Further course of action in this regard shall be taken by the authorities and the parties are also at liberty to pursue their remedies in the manner contemplated.

21. The powers of the authority under the Registration Act is undoubtedly limited to the extent of cancelling the documents, if it is found forged or impersonated apparently. The registering authorities are not empowered to decide the title, ownership or possession etc., The scope of the administrative powers under the provisions of the Registration Act would not preclude the parties from establishing their case before the competent Civil Court of law. The very reason is that the registering authorities conduct summary proceedings, whereas the competent Civil Court of law conducts trial natured proceedings. Both the proceedings are distinguishable and therefore mere summary proceedings would not be a final factor for the purpose of deciding the civil rights of the parties.



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22. It is needles to state that if the parties have decided to approach the competent Civil Court of law, they are at liberty to establish their case through documents and evidences available on record.

23. With these observations, these writ petitions stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

16.06.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

Note: Registry is directed to return the respective documents to the concerned parties and by obtaining acknowledgements which shall be preserved along with the case record.



To

1. The Secretary to Government of Tamil Nadu,
Registration Department,
Fort St.George, Chennai – 600 009.
2. The Deputy Inspector General of Registration,
No.26FJ+ GV8, Integrated Building for offices of Commercial taxes
and Registration Department,
Fanepet, Nandanam,
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3. The District Registrar,
Chennai(South),
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Chennai – 600 035.
4. The Commissionr of Revenue Administration,
Chepauk, Chennai – 600 005.
5. The District Collector,
Rajaji Salai, Chennai – 600 001.
6. The Revenue Divisional Officer,
South Chennai, Guindy,
Chennai – 600 032.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai.



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