



W.P.No.29962 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P.No.29962 of 2023

and

W.M.P.No.29576 of 2023

1.M.P.Duraiswamy

2.A.Seetharaman

... Petitioners

versus

1.The Inspector General of Registration,  
Office of the Registration Department,  
Santhome High Road,  
Chennai - 600 028.

2.The District Registrar,  
Office of the Registration Department,  
No.1, Tiruvannamalai Road,  
Dowladabad, Krishnagiri - 635 001.

3.The Sub-Registrar,  
Office of the Registration,  
Soolagiri - 635 117,  
Krishnagiri District.

4.Vijaya

5.Mahesh

6.Babitha

7.K.A.Akbar Basha

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8.Syed Irfanulla Hussainy  
9.Rathnammal  
10.Sumithra  
11.Udhayakumar  
12.Sudhakar  
13.Boosan Kumar  
14.Aruna

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioners' representation dated 31.10.2022 and conduct an enquiry on the same and partially cancel the registered documents for our lands measuring 5.00 Acres (out of 13.17.5 Hectares) comprised in old Survey No.4 and as per the UDR survey number is 4/2 illegally executed by the legal heirs of the late N.Munusamy Chettiar.

For Petitioners : Mr.M.Muthappan

For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader for R1 to R3

### **ORDER**

Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for respondents 1 to 3. With the consent of both the parties, the writ petition is taken up for final disposal at admission stage itself.



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2. This writ petition has been filed seeking a mandamus to direct the respondents to consider the petitioners' representation dated 31.10.2022 and conduct an enquiry on the same and partially cancel the registered documents for the petitioners' lands measuring 5.00 Acres (out of 13.17.5 Hectares) comprised in old Survey No.4 and as per the UDR survey number 4/2 illegally executed by the legal heirs of the late N.Munusamy Chettiar.

3. The case of the petitioners is that Vediappa Gounder and Appoji Gounder, who are the first petitioner's grandfather and the second petitioner's grandfather respectively purchased the agricultural land in Old S.F.No.4 as per U.D.R survey number 4/2, measuring an extent of 5 acres situated at Mettubandhanahalli Village, Soolagiri Taluk, Krishnagiri District from one N.Munusamy Chettiar vide a registered Sale deed dated 14.6.1954, as Document No.1922/1954 and a joint Patta was in the name of one N.Munusamy Chettiar and the petitioners' grandfathers. After the death of the said N.Munusamy Chettiar, his legal heirs suppressed the said registered sale deed, obtained UDR Patta in their names and also registered



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the following documents in the year 2019 with the third respondent :

- i) Sale deed executed by Vijaya, Mahesh and Babitha, registered as Doc.No.3209 of 2019 at the Sub Registrar Office at Soolagiri.
- ii) Release deed executed by Bushankumar, Arunaa, Nithya and Pavithra registered as Doc.No.3349 of 2019 at the Sub-Registrar Office, Soolagiri.
- iii) Sale deed executed by Rathinamma, Sumitra and Udhaykumar registered as Doc.No.3389 of 2019 at Sub-Registrar Office, Soolagiri.
- iv) Acceptance deed executed by Deepasri registered as Doc.No.4002 of 2019 at the Sub-Registrar Office, Soolagiri.
- v) Sale deed executed by Bushankumar registered as Doc.No.6059 of 2019 at Sub-Registrar Office Soolagiri.

When the above came to the knowledge of the petitioners, the petitioners have given a representation dated 31.10.2022 to the second respondent requesting him to cancel the documents illegally executed by the legal heirs of the late N.Munusamy Chettiar. However, the second respondent has not passed any order, so far. Hence, the petitioners are before this Court.



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4. The learned counsel for the petitioners submitted that the petitioners are the absolute owners of the subject property. The third respondent failed to verify the parent document i.e. Doc.No.1922 of 1954 pertaining to the subject property and simply registered the said documents, without conducting any enquiry. He further submitted that it would suffice if a direction is issued to the respondents to consider the representation of the petitioners dated 31.10.2022.

5. The learned Special Government Pleader appearing for the respondents submitted that based on the documents submitted by the legal heirs of the N.Munusamy Chettiar, the third respondent registered the documents.

6. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for respondents 1 to 3 and also perused the materials available on record.

7. It is common knowledge that the third respondent/Sub-



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Registrar is not authorized to go into the genuineness or otherwise of the documents presented before him. When a document is presented before him for registration fulfilling all requirements, the Sub-Registrar has no option except to register the document. If the documents are bogus or false, the affected parties will have the right to initiate both civil and criminal proceedings to prosecute the other person who tries to have benefit from such a document and also to safeguard his right, title and interest.

8. The main grievance of the petitioners is that the legal heirs of Late N.Munusamy Chettiar, who have no right or title over the subject property, have executed the fraudulent documents and got the said documents registered and hence, they sought for cancellation of the said documents.

9. It is seen that the third respondent had registered the aforesaid documents in the year 2019 itself and in the opinion of this Court, he has no power to enquire about the genuineness of the documents before registration and hence, there is no merit in the writ petition.



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10. Accordingly, this writ petition is dismissed by granting liberty to the petitioners to work out their remedy in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation Case : Yes/No  
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To

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**P.VELMURUGAN, J.**

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