



WEB COPY

W.P.No.26378 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26378 of 2017

R.Sivakumar

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
(Administration),
No.9, Jenis Road,
South Chennai,
Saidapet,
Chennai – 600 015.

3.The Sub Registrar,
Pammal S.R.O. Office,
Chennai – 600 044.

4.R.Murugesan

5.R.Vijayakumar

6.R.Udhayakumar

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders in Pro.No.57694/U1/2016, dated 20.04.2017 passed by the 1st respondent, confirming the order in Pro.No.8075/A3/2015 dated 01.10.2015 passed by the 2nd respondent quash the same and consequently direct the respondents 1 to 3 to initiate prosecution against the respondent 4 to 6 under Sections 81 to 83 of the Registration Act, 1908.

For Petitioner	: Mr.N.Manokaran
For R1 to R3	: Mr.D.Ravichander Special Government Pleader
For R4 to R6	: Mr.R.Ramakrishnan

ORDER

The relief sought for in the present writ petition to call for the records relating to the impugned orders dated 20.04.2017 passed by the first respondent confirming in the order dated 01.10.2015 passed by the second respondent are to be quashed and consequently, direct the respondents one to three to initiate prosecution against the respondent four to six under Sections 81 to 83 of the Registration Act, 1908.



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2. The order impugned dated 20.04.2017, which is under challenge mainly on the ground that the Inspector General of Registration ought to have conducted an enquiry into the application submitted by the petitioner for cancellation of forged documents.

3. However, relying on the judgment of the Hon'ble Supreme Court of India, the Inspector General of Registration made a finding that there is no provision under the Registration Act to decide the validity of the registered document. More so, the circular No.67 of the year 2011, which was in existence has also been withdrawn by the Government.

4. Subsequently, an amendment was effected and Section 77-A was inserted in the Registration Act. Empowering the District Registrar to conduct an enquiry in the form of summary proceedings and cancel the document, if the document registered is found to be fraud or through impersonation.

5. The learned counsel for the petitioner made a submission that the Civil Suit has been instituted and pending. This being the factum, the petitioner is at liberty to work out his remedy in the manner known to law.



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6. Accordingly, this Writ Petition stands disposed of. No costs.

04.07.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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