



W.P.(MD) No.3607 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD)No.3607 of 2021

Thowlath Nooriya @ Thowlath Nisha

...Petitioner

Vs.

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai-28.

2.The District Registrar,
O/o.The District Registrar Office,
Ramanathapuram District,
Ramanathapuram.

3.The Sub-Registrar,
Velipattinam Sub-Registrar Office,
Ramanathapuram,
Ramanathapuram District.

4.Sathik Batcha

5.Navaskhan

...Respondents

(R5 is impleaded vide Court order dated 12.10.2023 in WMP(MD)No. 10430/2022.)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ or order or direction in the nature of Writ of Mandamus, to direct the 2nd respondent to conduct enquiry and take appropriate action as per section 68[2] of the Registration Act, 1908 and consequently to cancel the fraudulent registrations of documents nos. 124/1990 dated 21.09.1990, 1892/1990 dated 21.09.1990 & 1987/1990 dated 10.10.1990 on the file of the 3rd respondent by considering the petitioner's representations dated 10.12.2020 & 06.02.2021 within the time limit that may be stipulated by this court.

For Petitioner :Mr.S.Vidhya Sagar

For Respondents :Ms.D.Farjana Ghoushia for R1 to R3

Special Government Pleader

:Ms.P.Sepanasree for R4

:Mr.R.Jegadeeswaran for R5

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the second respondent to conduct enquiry and to initiate action for cancellation of the sale deeds registered as Document Nos.124/1990, 1892/1990 and 1987/1990, based on the representations made by the petitioner on 10.02.2020 and 06.02.2021.



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2. The case of the petitioner is that the lands comprised in S.Nos. 434/1 and 434/2 situated at Vaani Village, Ramanathapuram Taluk originally belonged to the father of the petitioner. He had two wives. The petitioner is the daughter of the second wife. The father of the petitioner died interstate and on his demise, all the legal heirs were entitled to a share in the subject property. The petitioner got married and she was living in Chennai.

3. The further case of the petitioner is that during the year 2017, the mother of the petitioner died and hence, the petitioner came to her native place. She verified the property document and applied for encumbrance certificate and at that point of time, it was ascertained that the subject properties have been dealt with in the year 1990 by executing power of attorney document in favour of the fourth respondent and on the strength of this document, sale deeds were executed which were registered as Document Nos.124/1990, 1892/1990 and 1987/1990. The petitioner also found that her name was included in the power of attorney document and her thumb impression has also been forged.



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4. In view of the above development, a police complaint was given and since the same was not acted upon, an application was filed before the learned Judicial Magistrate under Section 156(3) Cr.P.C., and pursuant to the order passed by the learned Judicial Magistrate, an FIR came to be registered against the 4th respondent and others in Crime No. 11 of 2020. The petitioner also gave representations to the second respondent to conduct an enquiry and to cancel the fraudulent documents and to initiate action against the 4th respondent. Since the same was not acted upon, the present writ petition has been filed before this Court.

5. Heard Mr.S.Vidhya Sagar, learned counsel for the petitioner, Ms.D.Farjana Ghoushia, learned Special Government Pleader for the official respondents, Ms.P.Sepanasree, learned counsel for the 4th respondent and Mr.R.Jegadeeswaran, learned counsel for the 5th respondent.

6. The learned counsel for the petitioner and the learned counsel appearing on behalf of the impleaded 5th respondent submitted that the investigation was completed and a final report was filed before the learned Judicial Magistrate No.II, Ramanathapuram and the same was



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taken on file in CC No.3 of 2020 and the fourth respondent and others are facing trial before the concerned Court.

7. The learned Special Government Pleader appearing on behalf of the official respondents submitted that a similar complaint was given by the impleaded 5th respondent before the 2nd respondent and the second respondent enquired the same and through proceedings dated 20.03.2023, refused to act upon the complaint.

8. It is brought to the notice of this Court that the criminal case is now at the stage of examination of the Investigation Officer and thereby, the case is now at the fag-end of the trial.

9. The genuineness of the thumb impression, that is found in the power of attorney document, which was made use of by the 4th respondent to deal with the property will get revealed in the criminal proceedings that is pending before the learned Judicial Magistrate No.II, Ramanathapuram. The judgment in this case will give more clarity on this issue. If the competent Court ultimately finds that the thumb impression has been fabricated and forged, it will be more easier for any



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other authority to act upon the same. This is more so due to the fact that the District Registrar has already dealt with the complaint given by the 5th respondent on the very same ground and the same was rejected.

10. In view of the above, it will be fit and proper for the parties to await the final judgment in the criminal case and thereafter make a fresh complaint / representation before the District Registrar and proceed further in accordance with law. In the meantime, if any direction is given to the District Registrar and the District Registrar proceeds further with the enquiry, it will unnecessarily interfere with the criminal proceedings that is pending before the competent Criminal Court. It will also act against the interest of the 4th respondent, who is now facing trial before the concerned Court.

11. In the light of the above discussion, the parties shall await the final judgment in CC No.3 of 2020 before the learned Judicial Magistrate No.II, Ramanathapuram. Depending upon the final judgment in this case, it will be left open to the petitioner to revive the representation / complaint before the 2nd respondent and proceed further in accordance with law.



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WEB COPY 12. This writ petition is disposed in the above terms. No costs.

12.10.2023

(2/2)

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

SM

To

- 1.The Inspector General of Registration,
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No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai-28.
- 2.The District Registrar,
O/o.The District Registrar Office,
Ramanathapuram District,
Ramanathapuram.
- 3.The Sub-Registrar,
Velipattinam Sub-Registrar Office,
Ramanathapuram,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N. ANAND VENKATESH, J.

SM

Order made in
W.P(MD)No.3607 of 2021
(2/2)

Dated
12.10.2023