



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19984 of 2020

1.S.P.Nagarajan @ S.P.Nagaraj
2.S.P.Anandan

... Petitioners

-Vs-

1.The Inspector of General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar (Administration),
Ramanathapuram District,
Ramanathapuram.

3.The Sub Registrar (Registration),
Sub Registrar Office,
Perunali, Ramanathapuram District.

4.M/s.NLC India Limited,
through its Managing Director,
Mr.M.V.Ramamoorthy,
Chennai – 600 031.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2nd respondent herein to commence the enquiry under Section 68(2) of the Indian Registration Act, with regard to fraudulent registration of the sale deed dated 05.07.2019 registered before the 3rd respondent under Document No.588/2019, in respect of the landed property



bearing S.No.383/3 of an extent of 0.60.00 Hectares, S.No.385/1A of an Extent of 0.40.00 Hectares, and S.No.385/1D, of an extent of 0.18.00 Hectares situated at Paralachi Village, Kamuthi Taluk, Ramanathapuram District (Originally within the jurisdiction of Aruppukottai Taluk, Virudhunagar District in the light of the representation of the petitioners dated 20.10.2020.

For Petitioners	:Mr.S.Veeranasamy
For R1 to R3	:Mr.K.S.Selvaganesan Additional Government Pleader
For R4	:Mr.K.R.Laxman

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the second respondent to enquire upon the representation given by the petitioners on 20.10.2020 and to cancel the fraudulent document, that was executed in favour of the fourth respondent, which was registered on the file of the third respondent.

2.Heard Mr.S.Veeranasamy, learned Counsel for the petitioners, Mr.K.S.Selvaganesan, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.K.R.Laxman, learned Counsel for the fourth respondents.



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3.The case of the petitioners is that the subject property belongs to their family and they were in possession and enjoyment of the same. Patta was also issued in favour of the father of the petitioners. The fourth respondent, all of a sudden, attempted to erect a Solar Power Project in the property and when enquired about the same, they came to know that the fourth respondent purchased the property in question through a registered sale deed dated 05.07.2019 based on some power of attorney executed in favour of one of the brothers of the petitioners on 16.05.1999.

4.According to the petitioners, this sale was done behind the back of the petitioners and the fourth respondent has forcibly taken over the property by virtue of the fraudulent document. In view of the same, representation was also given to the second respondent to conduct an enquiry and to cancel the fraudulent document. Since the same was not considered, the present Writ Petition has been filed before this Court.

5.In the considered view of this Court, the grievance that has been expressed by the petitioner will not fall within the scope of enquiry by the second respondent. If the power of attorney document has been executed in favour of one of the brothers and he has utilised the same to sell the property in



favour of the fourth respondent and if according to the petitioner, the same was done behind their back and the same will not bind them, the petitioners will have to necessarily agitate their rights and title only before the competent Civil Court. The Registering Authority cannot be converted into a Civil Court and every grievance regarding the registration of a document cannot be tried by the Registering Authority. Their power to interfere with the fraudulent document is very limited and on the facts of the present case, certainly, the second respondent cannot deal with the grievance expressed by the petitioners.

6. In view of the same, liberty is granted to the petitioners to work out their remedy before the competent Civil Court. Except giving this liberty, no further orders can be passed in this Writ Petition and the Writ Petition is disposed of. No costs.

09.10.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No

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To
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No.100, Santhome High Road,
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Chennai – 600 028.

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Ramanathapuram.

3.The Sub Registrar (Registration),
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N.ANAND VENKATESH, J.

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