



W.P.(MD) No.20898 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.20898 of 2021

and

W.M.P.(MD) Nos.17512 and 17513 of 2021

Girijasubramanian

... Petitioner

/vs./

1.The District Registrar (Admn),
Office of the District Registrar,
Palani Taluk,
Dindigul District.

2.The Sub Registrar,
Joint II Sub Registrar Office,
Palani Taluk,
Dindigul District.

3.R.M.Karthikeyan

4.P.Lakshmanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining



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the impugned order of the 1st respondent in Na.Ka.No.3902/AA1/2021 dated 12.11.2021 and quash the same and consequently direct the 1st respondent to cancel the document in Document No.3483/2021 in accordance with law.

For Petitioner : Mr.S.Mohamed Azharudeen Sharof

For R1 & R2 : Mr.M.Prakash
Additional Government Pleader

For R3 & R4 : Mr.B.Vinoth Balan

ORDER

The above writ petition is filed for the issue of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the first respondent in Na.Ka.No.3902/AA1/2021 dated 12.11.2021, quashing the same and directing the first respondent to cancel the document in Document No. 3483/2021 in accordance with law.

2.The facts which have propelled the petitioner to approach this Court are stated herein below:-

3.The petitioner would submit that she and one Subramanian had two sons and a daughter, S.Karthikeyan, S.Saravanakumar and S.Shiyamala, who are all



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living in Mumbai with their respective families. Her husband had died in 2013 and the petitioner is continuing to live all by herself at Palani. She would submit that she owns 2 acres of land in S.No.118/5 and Old S.No.11/3 New S.No.118/3C at Sukkamanayakkanpatti. It is her case that one Liyagath Ali, a land broker had come along with the third respondent to buy the aforesaid lands at the current market value.

4.The petitioner would submit that she had sought time to convey her decision and had given them xerox copies of the properties. After a week, the two of them had come and informed her that the registered sale deed of the year 2004 had got expired and since the online registration had come into existence, the same could be renewed. They had induced the petitioner into believing that they were renewing her expired document, for which purpose they had informed her that they were knew a document writer, who could help her. Believing their representations, on 13.10.2021 at about 02.30 pm., the petitioner along with her son, S.Karthikeyan had gone to the office of the second respondent. The said S.Karthikeyan was also present with some persons at the time of the registration.



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5.The petitioner would submit that she had signed the documents believing that the same was for validating a document that had got expired. She was informed that the process would take about a week time and thereafter she would be receiving the renewed document. Trusting these words, the petitioner had signed on them. On 25.10.2021, the two of them, that is; the third respondent and Liyagath Ali had come to the petitioner's premises and informed her that she had entered into a sale agreement and it was only then that she had come to know that what she had executed was an agreement of sale for a total consideration of Rs. 13,00,000/- receiving a sum of Rs.10,000/- as advance. They had forced the petitioner to execute the sale deed on 02.11.2021, based upon the forced sale agreement. The petitioner immediately informed her son.

6.It is the case of the petitioner that when they had questioned the third respondent, he had threatened them. The petitioner would submit that a complaint was lodged by her on 01.11.2021 before the Superintendent of Police, Dindigul and a representation was also sent to the District Registrar, Palani Taluk, Dindigul District to cancel the forged sale agreement. The first respondent had rejected it saying that he has no authority to cancel the forged agreement vide his impugned



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order, which is the subject matter of challenge. The learned counsel appearing for the petitioner in support of his contention would rely upon the judgment of the Hon'ble Supreme Court reported in *AIR Online 2022 SC 690 (Veena Singh (dead) through LR V. District Registrar/Additional Collector (F/R))*.

7.No counter has been filed by the respondents. However, the arguments were advanced. Heard the learned counsels appearing on either side.

8.The petitioner seeks to quash the impugned order on the ground that she had not known, but she had signed the agreement of sale on 13.10.2021 and that it was only on 25.10.2021 that she had come to know about it. It is also her case that on 01.11.2021, she had lodged a complaint with the Superintendent of Police, Dindigul. Such being the case, there is no explanation forthcoming on the side of the petitioner as to why she had executed the sale deed a day after her complaint being lodged before the Superintendent of Police, Dindigul.

9.Be that as it may, the petitioner has to necessarily establish that she has been induced in executing the document, which was not the document that she



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has been told that she would be signed. In the instant case, there appears to be a discrepancy and even as per the pleadings of the petitioner, a prima facie case of fraud has not been made out. Therefore, this Court is not inclined to entertain the writ petition and consequently, the Writ Petition is dismissed. However, it is well open to the petitioner to file necessary suit in the case, which involves fraudulent documents. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

16.06.2023

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To

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P.T.ASHA, J.

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