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W.P.No.304 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.304 of 2020

R.Senthilkumar

... Petitioner

Vs.

1. Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam, Chennai-28.

2. The Sub-Registrar,
Sub-Registrar Office,
Thirukalukunram Town and Taluk,
Kancheepuram District.

3. R. Bhuvaneswari

4. The District Registrar,
Chengalpet District.

(R4 Suo-motu impleaded as per order dated 24.06.2024 by JSNPJ in
W.P.No.304 of 2020)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first and second respondents, to enquire the petition filed before the second respondent on 27.08.2018 and 06.12.2019 and take further appropriate penalty proceedings against the third respondent as contemplated under the Registration Act.

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For Petitioner : Mr.P.Thiagarajan

For Respondents 1,2&4 : Mr.B.Vijay
Additional Government Pleader

For Respondent 3 : No Appearance

ORDER

The petitioner has filed this petition seeking direction to the first and second respondents, to enquire the petition filed before the second respondent on 27.08.2018 and 06.12.2019 and take further appropriate penalty proceedings against the third respondent as contemplated under the Registration Act.

2. The case of the petitioner is that the petitioner and the third respondent had entered into a sale agreement on 03.08.2016 and the third respondent has handed over the original documents to the petitioner. While so, the third respondent has appointed one Mr.Srinivasan and Mr.K.Yakeswarn as her power agents on 19.03.2018, which was registered as Doc.No.972/2018/I. As per guidelines issued by the first respondent, the second respondent has to verify the title documents in order to avoid the



fraudulent registration. While registering the power of attorney, the document No.4624/2013 has been stated as previous document. In order to avoid the production of the previous document, the third respondent has filed a false complaint before the Inspector of Police, Thirukalukundram stating that she has lost her documents and got a missing certificate. Thus, the third respondent has falsely verified before the second respondent that the previous document was lost. Under Section 81 to 83 of the Registration Act, any false representation of the person while presenting the document for registration, the registering authority has powers to initiate penalty proceedings. Hence, the petitioner has filed a complaint before the second respondent on 27.08.2018. The second respondent has not taken any further steps. The petitioner has sent another petition on 06.12.2019 seeking for appropriate action. However, till today the second respondent has not taken any steps on the above named petitions filed by the petitioner. Hence, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner drew the attention of this Court to Section 82 of the Tamil Nadu Registration Act, 1908. For better appreciation, the aforesaid Section is extracted hereunder:



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“82. Penalty for making false statements, delivering false copies or translations, false personation, and abetment.

—Whoever—

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

(d) abets anything made punishable by this Act, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

82-A. Penalty .- *Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to Rs.200/- or with both.”*

4. Learned counsel for the petitioner submitted that he will file an appropriate petition under Section 82 of the Tamil Nadu Registration Act,



1908, before the respondents for conducting a detailed enquiry regarding false statements and delivering of false copies by the third respondent.

5. Learned Additional Government Pleader appearing for the respondents submitted that the competent authority to consider the case of the petitioner is the District Registrar, Chengalpet District. Hence, this Court may suo-motu implead the District Registrar of Chengalpet and issue a direction to consider the petition submitted by the petitioner, within a time frame to be fixed by this Court.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Considering the submission made by the learned Additional Government Pleader appearing for the respondents 1 & 2, it is necessary to implead the District Registrar of Chengalpet as one of the respondents in this writ petition, since he is the competent authority to consider the case of the petitioner. Accordingly, The District Registrar, Chengalpet is suo-motu impleaded as fourth respondent by this court.



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8. Considering the limited prayer sought for by the learned counsel for the petitioner, this Court without going into the merits of the case issues the following directions:

(i) The petitioner is directed to file a petition under Section 82 of the Tamil Nadu Registration Act, 1908 before the fourth respondent/District Registrar, Chengalpet, within a period of two weeks from today.

(ii) On receipt of the said petition, the fourth respondent/District Registrar, Chengalpet is directed to consider the same by conducting a detailed enquiry after giving due notice to both the parties, affording an opportunity of personal hearing, to consider the relevant documents submitted by both the parties at the time of the enquiry in regard to the subject matter property and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of six weeks from the date of receipt of a copy of this order.

9. This Writ Petition is disposed of with the aforesaid observation and directions. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

Note: Registry is directed to carry out the necessary amendment in the cause list.

To:

1. Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam, Chennai-28.
2. The Sub-Registrar,
Sub-Registrar Office,
Thirukalukunram Town and Taluk,
Kancheepuram District.
3. The District Registrar,
Chengalpet District.



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