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W.P. No.4784 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.4784 of 2024

M.Boopathi

... Petitioner

Vs.

1. Inspector General of Registration
Registration Head Office
No.100, Santhome High Road
Chennai - 600 004
2. The Deputy Registrar
O/o.The Deputy Registrar
2nd Floor, Integrated Building Complex
Kumaragiri Bypass Road
Near Kailash Manasarovar CBSE School
Ammamet, Salem - 636 014
3. The District Registrar (Administration)
District Registrar Office
Ayyampalayam Post
Namakkal - 637 002
4. The Sub Registrar
Senthamangalam Sub Registrar Office
Senthamangalam
Namakkal District



5. Kanthalakshmi
6. K.Sakthivel
7. M.Senthil Kumar

... Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus calling for the records of the order dated 10.05.2023 in O.Mu.No.7683/B7/2022 passed by the 3rd respondent, quash the same and consequently direct the 3rd respondent to cancel the forged registered sale deed vide Doc.No.4346/2022 executed by 5th respondent dated 20.10.2022.

For Petitioner : M.Saravana Kumar

For R1 to R4 : Mr.Yogesh Kaannadasan
Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records of the order dated 10.05.2023 in O.Mu.No.7683/B7/2022 passed by the 3rd respondent, quash the same and consequently direct the 3rd respondent to cancel the forged registered sale deed vide Doc.No.4346/2022 executed by 5th respondent dated 20.10.2022.

2. The case of the petitioner is that the petitioner has filed a suit in O.S.No.202 of 2019 on the file of the District Court, Namakkal and the same



is pending for adjudication. During pendency of the same, the 5th respondent and her children, illegally sold out the land and house comprised in Old S.No.527/141 and extent of Acre 0.04 cents, Patta No.7/2, Ward B, Block 8, T.S.No.129 and extent of 0.0166.0 meter land and house extent of 1740 Sq.ft. Hence, the petitioner made objections to the 3rd respondent not to register any document in respect of the said property till the disposal of the said suit. Despite the same, the 3rd respondent registered a sale deed in Doc. No.4346/2022 dated 20.10.2022. Thereafter, the petitioner made a detailed representation to the 2nd respondent and the 2nd respondent failed to consider the same and passed the impugned order directing the petitioner to approach the Civil Court and further, the names of the buyer and seller is wrongly mentioned in the impugned order. Aggrieved by the same, the petitioner made an appeal before the 1st respondent and that the 1st respondent neither cancelled the forged sale deed nor conducted enquiry. Hence, the present Writ Petition is filed before this Court.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents 1 to 4. Since no adverse order is being passed



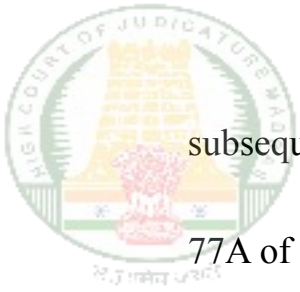
against the respondents 5 to 7, notice to the respondents 5 to 7 is dispensed with.

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4. Heard and perused the materials available on record.

5. In the impugned order, it is clearly stated that already a Civil Suit in O.S.No.202 of 2019 filed by the petitioner and his son is pending between the parties and the document sought to be cancelled, has been registered based on the previous settlement deed in Document No.680/1976 and that the District Registrars have been given power to conduct enquiry under Section 77A of the Registration Act and pass order only for the cases related to wrong information, forgery and impersonation whereas, the petitioner's complaint does not come under the enquiry under Section 77A of the Registration and thereby, given liberty to the petitioner to seek remedy before the appropriate Civil Forum.

6. Though the document sought to be cancelled is alleged to have been registered based on a settlement deed, the petitioner has not challenged the said settlement deed. Unless the petitioner challenges the said settlement deed and proves the same as forged one, this Court cannot state as to whether the



subsequent document is a forged one or not. Now, the enquiry under Section 77A of the Registration Act has been stayed by this Court due to the divergent views taken by the learned Single Judges of this Court and the Larger Bench is seized of the matter to settle the issue. Under these circumstances, this Court does not find any perversity, illegality or impunity in the order passed by the 3rd respondent. However, the petitioner is at liberty to work out his remedy before the Civil Court in the manner known to law.

7. With the above observations, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

27.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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