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W.A.No.619 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.07.2024**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE R.SAKTHIVEL**

Writ Appeal No.619 of 2022
and CMP No.4390 of 2022

1. The Deputy Inspector General
Chennai Zone, Department of Registration,
Chennai.
2. The District Registrar (Admin)
South Chennai.
3. The Sub-Registrar – Tambaram,
Sub Registrar Office,
Tambaram.

... Appellants

Vs.

1. S.Sangeetha
2. Archana Reddy

.. Respondents

Prayer: Writ Appeals filed under Clause 15 of Letters Patent, to set aside the order dated 12.01.2022 made in WP No.19204 of 2021 by allowing this Writ Appeal.



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For Appellants : Mr.P.S.Raman, Advocate General
Assisted by Mr.B.Vijay,
Additional Government Pleader

For Respondents : Mr.V.Ayyadurai, Senior Counsel
for Mr.R.Nageswara Rao, for R1

Mr.P.V.BalaSubramanian, Senior Counsel
for Mr.P.Siddharth, for R2

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The Deputy Inspector General of Registration is on Appeal.
Challenge is to the order of the Writ Court dated 12.01.2022 made in WP
No.19204 of 2021.

2. The second respondent in this Appeal initiated proceedings purportedly under Section 68 of the Registration Act, claiming that the Mortgage Deed dated 23.10.1997 executed by one Mrs.Sarala Reddy in favour of Chrompet Saswatha Nidhi Ltd., and the Sale Deed dated 08.02.2005 are forged instruments. The Original Authority concluded that



the Mortgage Deed has been registered by furnishing wrong details. He however, held that he could not reach a conclusion with reference to the Sale Deed and directed the Sub Registrar to take action under Section 83 of the Registration Act.

3. The second respondent filed an Appeal before the Appellate Authority and the Appellate Authority by his order dated 04.08.2021 concluded that both the documents are fraudulent documents and directed initiation of criminal proceedings. There was also a further direction to make a note in the index declaring that the documents are fraudulently registered by impersonating the executant. This order was subject matter of challenge in WP No.19204 of 2021.

4. The Writ Court after hearing the original complainant allowed the Writ Petition setting aside the orders of the Appellate Authority. Aggrieved the original complainant viz. the second respondent herein had filed a Writ Appeal in WA No.191 of 2022. The said Writ Appeal came to be dismissed on 03.02.2022. The present Writ Appeal has been filed by the Deputy Inspector General of Registration and other officials. We are unable



to see how the appellants are aggrieved by the orders passed by the Writ Court.

5. The dispute before the Writ Court was essentially, a dispute between the respondents in this Writ Appeal, the Registration Department acts only as a Quasi-judicial Adjudicating Authority. It is not aggrieved by any of the orders passed in the proceedings where there is a complaint that the documents have been registered by impersonation. It is for the private party, who is affected by such orders to file Appeals. The action of the Department, to say the least, is quite surprising.

6. We also find that the Appeal was filed with amazing speed. The order of Writ Court is dated 12.01.2022 and the web copy was communicated on 28.01.2022, the Writ Appeal at the instance of the Department which is not an aggrieved person was filed on 03.02.2022 i.e. within 5 days from the date on which the order copy was uploaded. We are sure that this Appeal is engineered by the second respondent before us and the Department has acted as a puppet in the hands of the second respondent, who seems to wield lot of influence over the officers who are responsible



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for filing this Appeal, that too against an order which has no consequence for them.

7. The affidavit in support of the stay petition has been signed on 02.02.2024 i.e. within three days from the date of receipt of the order copy. We will be happy if such speed and alacrity is shown by the Department in complying with the orders of this Court. In the recent past, the number of contempt petitions that are filed in the High Court have reached the four figure mark and 90% of those contempt petitions are filed against the Government and its officials only. Even after initiation of contempt proceedings, we come across requests being made by the Additional Advocate Generals, Special Government Pleaders and Additional Government Pleaders for time to comply with the orders. But the very same people, who are in-charge of implementing orders of this Court act with undue haste and grave urgency when they want to challenge an inconsequential order in order to help a private party. We find that this Appeal is an abuse of process of Court by the Department which has colluded with the private party.



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8. We placed on record our sincere appreciation for the learned Advocate General, who fairly conceded that the Appeal ought not to have been filed at the instance of the Department.

9. In view of the above observations, the Writ Appeal is **dismissed**. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (R.SAKTHIVEL, J.)
03.07.2024

jv

Index: Yes

Internet: Yes

Speaking order

Neutral Citation: Yes



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