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W.P. No.4630 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.4630 of 2024

M.Selvi

... Petitioner

Vs.

1. The Deputy Inspector General
of Registration Department
Chennai Zone, Nandanam, Chennai - 600 035
2. The District Registrar (Administration)
(Assistant Inspector General of Registration Cadre)
South Chennai Deed Registration Department
Nandanam, Chennai - 600 035
3. The Joint Sub Registrar-I
Registration Department, Saidapet, Chennai - 600 015
4. V.Kannabiran
5. M.Vasuki

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records in respect of proceedings in Na.Ka.No.5011/B/1/2022 dated 19.10.2022, signed on 19.10.2023 by the 1st respondent to quash the same and to direct the 1st respondent to cancel forged agreement for sale in favor of 5th



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respondent vide document No.630/2014 dated 23.01.2014, document No.1604/2014 dated 14.02.2014 on the file of 3rd respondent.

For Petitioner : Ms.M.Jayanthi
for M.T.V.G.Kartheeban
For R1 to R3 : Mr.P.Balathandayutham
Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records in respect of proceedings in Na.Ka.No.5011/B/1/2022 dated 19.10.2022, signed on 19.10.2023 by the 1st respondent, to quash the same and to direct the 1st respondent to cancel the forged agreement of sale executed in favor of 5th respondent, vide document No.630/2014 dated 23.01.2014 and Document No.1604/2014 dated 14.02.2014, on the file of 3rd respondent.

2. The case of the petitioner is that the 4th respondent is the power agent of the petitioner. While so, the 4th respondent, executed forged sale agreements dated 23.01.2014 and 14.02.2014 in favor of the 5th respondent, in respect of the petitioner's property. On coming to know of



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the same, the petitioner executed a document for cancellation of General

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Power of Attorney, stands in the name of the 4th respondent on 19.01.2016

and she also made an application dated 08.10.2021, before the 2nd

respondent under Section 77A of the Registration (Amendment) Act,

seeking to cancel the two forged sale agreements. The 2nd respondent,

without considering the materials, rejected the claim of the petitioner, vide

proceedings in Na.Ka.No.14316/E2/2021 dated 19.07.2022, advising the

petitioner to approach the Civil Court for appropriate remedy. Aggrieved

by the same, the petitioner preferred an appeal under Section 77B of the

Registration (Amendment) Act, before the 1st respondent on 07.09.2022

and the 1st respondent, after completion of enquiry, by the impugned

proceedings dated 19.10.2022, confirmed the order of the 2nd respondent

and rejected the appeal. Aggrieved by the same, the petitioner has filed the

present Writ Petition to quash the order passed by the 1st respondent dated

19.10.2023.

3. When the matter came up before this Court for admission on



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04.03.2024, on a perusal of the impugned order, this Court found that, the

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date of order was mentioned as 19.10.2022 in the front page top of the order, whereas, at the place of signature, the 1st respondent had written the date as 19.10.2023. Therefore, in order to find out the genuineness, the records of the proceedings were called for from the 1st respondent.

4. Today (07.03.2024), when the matter is taken up for hearing, the records of the proceedings of the 1st respondent were placed before this Court.

5. On a perusal of the records shows that the petitioner has filed the appeal before the 1st respondent on 07.09.2022 and the enquiry was started on 04.11.2022. The writ petitioner/appellant appeared before the 1st respondent on 04.11.2022, 07.11.2022, 04.09.2023 and 05.10.2023 and also produced documents and given his statement. The signature of the writ petitioner/appellant is also found. Thereafter, on conclusion of enquiry, the impugned order has been passed by the 1st respondent on 19.10.2023.



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6. The learned Special Government Pleader, appearing for the official

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respondents submitted that due to typographical error, in the front page of the order, the date of order is mentioned as 19.10.2022 instead of 19.10.2023. Hence, the 1st respondent is advised to be cautious while signing orders.

7. Since no adverse order is being passed against the respondents 4 and 5, notice to the respondents 4 and 5 is dispensed with.

8. It is seen that the petitioners claim was rejected by the respondents 1 and 2 stating that as per the guidelines issued by the Inspector General of Registration, the District Registrar has no power to enquire into the issues related to title. According to the petitioner, the agreements are forged one. Further, it is time barred one since the date of alleged agreements are 23.01.2014 and 14.02.2014. But the writ petition is filed in the year 2024 which is after 10 years from the date of execution of the alleged sale agreements. It is not known as to whether subsequent to the agreements, any suit or claim petition is filed. Whether the agreements



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are time barred, whether the rival claimants lost their rights and whether

the documents are forged or enforceable which are all question of facts

which can be decided only by the Civil Court and not by the Writ Court

and that there is no bar for the petitioner to seek remedy before the Civil

Court.

9. Since the dispute involved in this case is Civil in nature, this Court does not find any perversity in the impugned order passed by the 1st respondent. The petitioner is at liberty to work out her remedy before the Civil Court.

10. With the above observations, this Writ Petition is dismissed. No costs.

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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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