



W.P. No.7105 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.7105 of 2024 and

W.M.P.No.7951 of 2024

S.Saraswathi

... Petitioner

Versus

1.The Inspector General of Registration,

No.100, Santhome High Road,

Pattinapakkam, Chennai – 600 028.

2.The District Registrar,

District Registrar Office Campus,

Neruperichel, P.N.Road,

Tiruppur District.

3.The Sub-Registrar Joint-II,

District Registrar Office Campus,

Neruperichel, P.N.Road,

Tiruppur District.

4.M. Jayachitra



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5.State Bank of India,
(Formerly State Bank of Patiala)
Rep.by its the Branch Manager,
Pudur Pirvu, Dharapuram Road,
Tiruppur District – 641 604.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to conduct an enquiry and cancel the fraudulent document registered No.5755/2009 dated 29.12.2009 in favour of fourth respondent before the Sub-Registrar Office Joint- II, Tiruppur, pursuant to the petitioner's representation dated 19.09.2022.

For Petitioner : Mr. P. R. Balasubramanian
For Respondent : Mr. Yogesh Kannadasan,
Special Government Pleader (for R1 to R3)

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus, to direct the 2nd respondent to conduct an enquiry and to cancel the fraudulent document registered as Doc. No.5755/2009 dated 29.12.2009 in favour of 4th respondent before the Sub-Registrar Office Joint- II, Tiruppur, pursuant to our representation dated 19.09.2022.



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2. The case of the petitioner is that the petitioner's maternal uncle had executed a registered Will No.194 of 2022 in respect of the property in question, in favour of the petitioner and from the date of execution of the Will, the petitioner has been in possession and enjoyment of the property. While so, the 4th respondent tried to interrupt the petitioner's peaceful possession by using a forged sale deed. Hence, the petitioner lodged a police complaint and the same was numbered as CSR No.97 of 2010 but, there was no action. The 4th respondent is alleged to have taken loan from the 5th respondent/Bank and since the 4th respondent has failed to repay the loan, the 5th respondent/Bank has caused publication for the sale of the said property. Hence, the petitioner made a representation to the 2nd respondent to cancel the forged document created by the 4th respondent. However, there is no response. Hence, the present Writ Petition is filed.

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



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passed against the respondents 4 and 5, notice to the respondents 4 and 5 is dispensed with.

4. It is to be noted that due to the divergent views of the learned Single Judges of this Court, one of the Single Benches of this Court, has stayed the enquiry under Section 77A of the Registration Act. Thereafter, the matter was referred to the Larger Bench of this Court and now, the Larger Bench is seized of the matter and the same is pending. Further, the Inspector General of Registration has also issued a circular directing the Registrars not to conduct enquiry under Section 77A of the Registration Act in respect of cancellation of forged documents, until the outcome of the decisions of the Larger Bench of this Court.

5. Under these circumstances, this Court is not inclined to give any direction. The petitioner can either wait till the outcome of the decisions of the Larger Bench of this Court or otherwise, he can work out his remedy before the Civil Court in the manner known to law since the remedy under



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Civil Court is not barred.

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

19.03.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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To
WEB COPY

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P.VELMURUGAN. J.

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