



WP.No.10073 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10073 of 2024

1.N.Thenmozhi
2.Gowtham Arunkumar
Petitioners

..

Versus

1.The District Collector
Kanchipuram Town
Kanchipuram

2.The Inspector General of Registration
Santhome High Road
Chennai

3.The District Registrar
Office of the District Registrations Office
Kanchipuram

4.M.Arunkumar
5.A.Tamilselvi
6.P.Prakasham

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the forged document in Doc.No.139 of 2004 dated 23.01.2004.

For Petitioner : Mr.V.Mahathi Chari

For Respondents : Mr.Yogesh Kannadasan for R1 to R3



WP.No.10073 of 2024

Special Government Pleader

ORDER

WEB COPY This writ petition has been filed seeking for a direction to consider the representation to cancel the document.

2. According to the writ petitioner, the property was originally purchased in her name by her father in law in the year 2004 and her father is also financed for such purchase. Thereafter, matrimonial dispute arose between the petitioner and her husband. Subsequently, divorce proceedings were initiated in the year 1995 and their marriage was annulled. Further, it is her grievance that the suit property is transferred in favour of her mother in law by forging document. Hence, this writ petition.

3. The alleged transaction is of the year 2004. The petitioner, even according to her she has given a complaint for the alleged forgery in the year 2018 and not even made an attempt to file a suit. Therefore, at this stage, directing the respondent to cancel the so-called the forged document does not arise at all. The amendment brought under the Registration Act in 22-B is held to be prospective in nature in a judgment of this Court in *Netvantage Technologies Pvt. Ltd v Inspector General of Registration*, reported in 2024 *SCC OnLine Mad 567*.



WP.No.10073 of 2024

4. Such view of the matter, when the document is registered in the year 2004, the respondents cannot be directed to cancel the document, it is for the petitioner to establish her right before Civil Court by filing appropriate suit. Considering the fact that the petitioner is bonafidely pursuing the matter before the writ court and had also invoked criminal prosecution, any limitation for filing such suit shall be excluded by invoking Section 14 of the Limitation Act.

5. With the above direction, this writ petition stands dismissed. No costs.

15.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1. The District Collector
Kanchipuram Town
Kanchipuram

2. The Inspector General of Registration
Santhome High Road
Chennai

N. SATHISH KUMAR, J.



WEB COPY



WP.No.10073 of 2024

dhk

3.The District Registrar
Office of the District Registrations Office
Kanchipuram

W.P.No.10073 of 2024

15.04.2024
(1/2)