



WEB COPY



WP.No.11481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

**WP.No.11481 of 2024
and W.M.P. No. 12587 of 2024**

A.Thulukkanam

.. Petitioner

Versus

1. The District Registrar, [Administration]
South Chennai District,
Office of the District Registrar,
Nandanam, Chennai 600 035.

2. The Sub-Registrar,
Neelangarai,
Chennai 600 115.

3.G.Raj

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent herein to dispose of the petitioner complaint dated 31.07.2023 without influenced by the circular dated 29.09.2023 vide Letter No.36330/U1/2023 issued by the Inspector General of Registration, Chennai 600 028.

For Petitioner : Ms.Hema Murali Krishnan

For R1 & 2 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

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2. This writ petition has been filed for a direction to the first respondent to take action under Section 77 of the Registration Act, 1908 (hereinafter referred to as, 'the Act' in short) on the complaint of the petitioner dated 31.07.2023 without any influence of the circular dated 29.09.2023 vide Letter No.36330/U1/2023 issued by the Inspector General of Registration, Chennai 600 028.

3. It is the case of the petitioner that he had purchased the property located in Karappakkam Village vide sale deed dated 11.04.1989 under Doc.No.1125 of 1989 to which patta was also issued in his favour. He had also put-up a construction over the same. It is the grievance of the petitioner that the third respondent, in collusion with K.Varadharajan, by forging revenue records such as patta and other connected documents, registered a sale deed on 06.07.2023 under Doc.No.8844/2023 in portion of petitioner's property to an extent of 731 sq.ft by fraudulent means. The petitioner on knowing this, registered a complaint under Section 77A of the Act before the first respondent



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to conduct enquiry and cancel the said forged sale deed. On receipt of the complaint, the first respondent issued letter to the petitioner referring Circular No.03/2023 stating that no enquiry could be conducted under Section 77A of the Act as the issue has been referred to larger Bench of this Court. The petitioner had sent a reply stating that the issue for consideration before the larger bench is only on retrospective effect of Section 77A of the Act, whereas the complaint filed by the petitioner is with respect to the document registered after the introduction of Section 77A of the Act. Till date, there is no response from the first respondent. Hence, he seeks a direction to the first respondent to dispose of the complaint.

4. Heard learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record.

5. This Court, in an order dated **16.04.2024** in ***W.P.No.29706 of 2024 (G.Rajasulochana Vs. The Inspector General of Registration and others)***, has elaborately dealt with the powers of the Registrar in cancelling a document. In such view of the matter, unless the forgery is conclusively established merely on the basis of allegations of forgery, as a matter of right, a



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document cannot be cancelled and there cannot be any direction to the Registrar to entertain the complaint and cancel the document. The forgery and fraud are essentially a matter of evidence which shall be proved as per law. It is advised that the writ petitioner shall approach the competent Civil Court.

6. Such view of the matter, I do not find any merits in this case and accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

26.04.2024

gsa

Index : Yes/No

Internet : Yes/No

To,

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N. SATHISH KUMAR, J.

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