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W.P.No.9733 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.9733 of 2024

A.Karthik

...

Petitioner

Vs.

1.The Inspector General of Registration, Tamil Nadu,
at Integrated Building for office of Commercial Taxes
and Registration Department,
Fennpet,
Nandanam,
Chennai - 600 035.

2.The District Registrar (Registration),
Door No.10, Kancheepuram High Road,
Chengalpet - 603 002.

3.The Sub Registrar (Registration),
at The office of the Sub-Registrar,
Cheyyur,
Cheyyur Taluk,
Chengalpet District.

4.A.Chandran

5.The Superintending of Police,
Chengalpet District,
Chengalpet.



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6.The Inspector of Police,
Koovathoor Police Station,
Koovathoor,
Cheyyur Taluk,
Chengalpet District.

7.The District Collector,
Chengalpet District,
Chengalpet.

8.The Competent Authority / Special District Revenue Officer (LA),
National Highways,
Chengalpet and Chengalpet District.

9.The Special Tahsildar (Land Acquisition),
Puducherry - Mamallapuram Corridor, Unit - 3,
No.131, Vedachalam Nagar,
Chengalpet (Opposite to Karur Vysya Bank),
Backside of New Bus stand,
Chengalpet and District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider and conduct an enquiry upon the petitioner's representation dated 18.02.2024 by affording opportunity to all the parties concerned under Section 77A of the Registration Act (T.N. Act 41 of 2022) and pass orders on the same as to cancel the Deed of Trust, dated 02.02.2023, executed by the 4th respondent, registered as Document No.3/2023 of Book IV on the file of the office of the Sub Registrar, Cheyyur of Chengalpet District on merits and in accordance with Law.



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For Petitioner : Mr.Dayaalan

For Respondents : Mr.B.Vijay,
Additional Government Pleader
for R1 to R3 and R7 to R9

Mr.S.Sugendran
Additional Public Prosecutor,
for R5 to R5

ORDER

This Writ Petition has been filed seeking for a direction to the 2nd respondent to consider the petitioner's representation, to initiate action under Section 77A of the Registration Act and to cancel the Deed of Trust, dated 02.02.2023 executed by the 4th respondent registered as Document No.3/2023 of Book IV in the office of the 3rd respondent on merits and in accordance with law.

2.It is the case of the petitioner that the property is originally owned by the petitioner. However, the 3rd respondent has executed a Deed of trust on 02.02.2023.



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3. According to the learned counsel for the petitioner, when a person has no title over the property and executed a document for certain amounts, such a document can be cancelled under Section 22B of the Registration Act and the said cancellation is within the ambit of 22B of the Act.

4. At the outset, I am of the view that the contention of the learned counsel has no leg to stand for the simple reason that merely a person executed a document claiming to be the owner of the property itself will not amount to forgery as defined in the Indian Penal Code. In this regard, the Judgment of the Apex Court in **Ibrahim vs. State of Bihar** reported in **2009 (8) SCC 751** at Para 11 has clearly held that the execution of the document by a person claiming to be the owner of the property, who is not the owner of the property will not amount to make a false document. Such transaction will not fall within the ambit of forgery.

5. In such a view of the matter, the Authorities have no right under the Law to cancel such a document and decide the validity of the said document.



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Accordingly, this Writ Petition is dismissed. No costs. Consequently,
connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
mps

To

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N. SATHISH KUMAR, J.

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