



WEB COPY

W.P.No.16683 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.16683 of 2024

A.Sabarinath

...

Petitioner

versus

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mulliman Nagar, Manthavellipakkam,
Raja Annamalaipuram,
Chennai - 600 028.

2.The District Registrar,
District Registrar Office,
The combined Registration Campus
Kumaragiri, Bypass Road,
Salem.

3.The Sub Registrar,
Sub Registrar Office.
Valapadi Taluk,
Salem District.

4.M.Vijay
5.Koothaiyee

6.The Inspector of Police,
Vazhapadi Police Station,
Vazhapadi Taluk,
Salem District.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to conduct an enquiry based on the representation of the petitioner dated 20.10.2023 and cancel the Sale Deed dated 13.09.2023 in Doc.No.5459 registered before the second respondent's office and consequently refer the matter to the jurisdictional police to initiate an appropriate criminal action against the 4th & 5th respondents.

For Petitioner	:	Mr.M.Elango
For Respondent Nos.1 to 3	:	Mr.Yogesh Kannadasan Special Government Pleader
For Respondent No.6	:	Mr.S.Sugendran Additional Public Prosecutor

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to direct the second respondent to cancel the Sale Deed dated 13.09.2023, by considering the petitioner's representation dated 20.10.2023.

3. The grievance of the petitioner is that the private respondents have sold the property, claiming to be the legal heirs of one Angamuthu. According to the petitioner, he is the only legal heir. It is the contention of



the writ petitioner that the respondents 4 and 5 have obtained the bogus certificate, namely the death certificate and other certificates from the revenue authorities and dealt with the property. Therefore, he seeks to cancel the document.

4. At the outset, this Court is of the view that the very allegation itself, indicate that there is dispute regarding legalheirship, which is a disputed fact, has to be tested on the basis of evidence in the competent civil Court, not before the Registering Authority. Further, Section 77-A of the Registration Act, deals with only forged documents and not other registered fraudulent documents. Hence, such direction cannot be granted, it is for the petitioner to file a suit before the competent Civil Court.

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

26.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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N.SATHISH KUMAR, J.

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