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WP.No.14015 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.14015 of 2024

V.Muniellappa

.. Petitioner

Versus

1. The District Registrar,
O/o.District Registrar, Hosur, Krishnagiri District.

2. Chinna ellappa

3. Muniappa

4. Ellappa

5. Rajappa

7. Puttama

8. Gauravamma

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent herein to consider the dispose of the appeal dated 16.04.2024 of the petitioner with regard to the cancelation of partition document No.4328 of 2015 dated 03.03.2015 related to S.No.444/1(1.20 cents) in Avalappali village Hosur Taluk Krishnagiri District after providing due opportunity to the all the parties concern and pass orders within a limited time frame on merits and in accordance with law.



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For Petitioner : Ms.T.Dharani
For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader – R1

ORDER

Since no adverse Order is passed against the respondents 2 to 8, notice to them is dispensed with. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to direct the first respondent herein to consider the dispose of the appeal dated 16.04.2024 filed by the petitioner with regard to the cancelation of partition document No.4328 of 2015 dated 03.03.2015 after providing due opportunity to the all the parties concerned and pass orders within a limited time frame on merits and in accordance with law.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent and perused the materials available on record.



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4. It is the contention of the writ petitioner that the respondents 2 to 8 have entered in to a partition deed in respect of the property of the petitioner on the basis of the wrong entries made in the revenue records. However, the wrong entries in the revenue records have been rectified by the Tahsildar vide his proceedings dated . As the revenue records have been rectified in the name of the petitioner, the petitioner filed an appeal before the first respondent to cancel the partition deed executed by the third parties. But the appeal is still pending without any progress. Hence, the present Writ Petition.

5. The learned Additional Government Pleader appearing for the first respondent submitted that the appeal filed by the petitioner has been returned and as on date no appeal is pending.

6. The grievance of the petitioner is that based on some mistake in the revenue records, the third parties have executed a fraudulent document. Thereafter, as the mistake has been rectified, the petitioner now seeks to cancel the documents executed by the third parties under section 77A of the Registration Act. To cancel a document under section 77A of the Registration Act, the document should have been registered by impersonation or by committing forgery. Mere registration of a document by person as his own



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property and entering into a document among themselves will not constitute forgery. This aspect has been elaborately dealt by the Honourable Supreme Court in *Mohd. Ibrahim v. State of Bihar*, reported in (2009) 8 SCC 751 and has that held unless the document in question comes within the category of a false document as defined in Section 464 of the IPC, there cannot be a case of forgery and the same cannot be cancelled. Further the registering authorities have no power to cancel such documents. In such view of the matter, there is no merits in this Writ Petition and the petitioner can very well establish his title in the competent Civil Court.

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

14.06.2024

vrc

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

To,

The District Registrar,
O/o.District Registrar, Hosur, Krishnagiri District.



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N. SATHISH KUMAR, J.

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