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WP.No.18039 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.18039 of 2024

Vimala K

.. Petitioner

Versus

1. The Inspector General of Registration,
Santhome, Chennai – 600 028.
2. The District Registrar,
Chengalpet, Tamil Nadu- 603 002.
3. The Sub Registrar,
Elapakkam Salai, Periyar Nagar,
Acharapakkam, Tamil Nadu – 603 301.
4. The District Collector,
Office of District Collector, Chengalpet.
5. The Superintendent of Police
Office of Superintendent of Police, Chengalpet.
6. V.Kuppusamy
7. K.Murugan
8. Johnpaul
9. G.J.Jorex

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to consider the representation dated 08.04.2024 to conduct detail enquiry and scrutinize



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the entire records pertaining to the fraudulent registration of three documents dated 11.9.2020 and 20.11.2020 (Documents registration number - 2687 3906 and 3907) in survey No.5 /2A having extent of property 1 Acres 38 cents situated at Minnalchithamur Madhurathakam Taluk and to make appropriate entries in the registering book and as well as in the encumbrance certificate within the time limit fixed by this Court.

For Petitioner : Ms.P.Uma

For Respondent : Mr.M.Shajahan
Special Government Pleader – R1 to R4

Mr.S.Sugendran,
Additional Public Prosecutor – R5

ORDER

With the consent of both sides, this Writ Petition is taken up for dispose, at the admission stage itself.

2. This Writ Petition has been filed to direct the second respondent to consider the representation dated 08.04.2024 to conduct detailed enquiry and scrutinize the entire records pertaining to the fraudulent registration of three documents dated 11.9.2020 and 20.11.2020 (Documents registration number - 2687 3906 and 3907) in survey No.5 /2A having extent of property 1 Acres



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38 cents situated at Minnalchithamur Madhurathakam Taluk and to make appropriate entries in the registering book and as well as in the encumbrance certificate within the time limit fixed by this Court.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned Additional Public Prosecutor appearing for the fifth respondent and perused the materials available on record.

4. It is the case of the petitioner that the property originally belonged to the grandfather of the petitioner. However, the private respondents have dealt with the property after the death of her grand father. Hence, seeks a direction to the second respondent to conduct enquiry in this matter.

5. A perusal of the records, particularly the affidavit filed along with the Writ Petition and the typed set indicate that the petitioner claims right in the light of the entry made in the 'A' Register. Whereas the patta has been issued in the name of the private respondents and they claim ownership on the basis of the patta issued in their favour. In such view of the matter, this Court is of the view that mere registration of a document by person as his own



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property and executing a document 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. In the present case, the private respondents have registered the documents based on the patta issued in their favour. Further the registering authorities have no power to conduct enquiry with regard to the registered documents. It is open to the petitioner to establish his right in an appropriate manner in the Civil Court. Hence, I do not find any merits in this Writ Petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

05.07.2024

vrc

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

To

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N. SATHISH KUMAR, J.

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