



WEB COPY



W.P.Nos.18800 and 18506 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.18800 and 18506 of 2024
and W.M.P.Nos.20625 and 20286 of 2024

W.P.No:18800/2024:

N.Iyyapane

... Petitioner

vs.

1.Union of India represented through the Government of Puducherry
by it's the Inspector General of Registration-cum-Secretary (Revenue),
Chief Secretariat, Goubert Avenue,
Beach Road, Registration Department,
Puducherry – 605 001

2.The District Registrar,
Government of Puducherry, Registration Department,
Kamaraj Salai, Shakthi Nagar,
Saram, Puducherry-605 013

3.The Sub-Registrar/Thirunallaru,
South Street, Thirunallaru,
Karaikal – 609 607

4.G.Gunasekaran

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records



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relating to the impugned order passed in No. No.4225/P-1/DRP/2021/4129/463 dated 11.03.2022 and the consequential impugned note in No.4225/P-1/DRP/2021/4129 dated 11.03.2022 by the 2nd respondent and quash the same as without authority and consequently direct the 3rd respondent to remove all the entries made in connection with the documents declared as fraudulently registered.

W.P.No:18506/2024:

S.Anandhajothi

... Petitioner

vs.

1.Union of India represented through the Government of Puducherry by it's the Inspector General of Registration-cum-Secretary (Revenue), Chief Secretariat, Goubert Avenue, Beach Road, Registration Department, Puducherry – 605 001

2.The District Registrar,
Government of Puducherry, Registration Department,
Kamaraj Salai, Shakthi Nagar,
Saram, Puducherry-605 013

3.The Sub-Registrar/Villianur,
Moopanar Complex, Pondy Main Road,
Villianur, Puducherry – 605 110

4.G.Gunasekaran

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed in No. No.4225/P-



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1/DRP/2021/4129/463 dated 11.03.2022 and the consequential impugned note in No.4225/P-1/DRP/2021/4129 dated 11.03.2022 by the 2nd respondent and quash the same as without authority and consequently direct the 3rd respondent to remove all the entries made in connection with the documents declared as fraudulently registered.

For Petitioners : Mr.Parthiban Patmanabane
(in both WPs)

For R1 to R3 : Mr.M.Nirmalkumar
Government Advocate (Pondicherry)
(in both WPs)

For R4 : Mrs.R.Meenal
(in both WPs)

COMMON ORDER

Aggrieved by an order declaring Document No.9522/2020, Document Nos.894 and 896 of 2020 as fraudulent documents, the petitioners have come by way of these writ petitions.

2. The learned counsel appearing for the petitioners submitted that the impugned order declaring the above said documents as fraudulent documents were passed by the 2nd respondent based on the Circular No.4225/REGN/A3/DRO/2021, dated 05.08.2021 by the 1st respondent. The said circular was already quashed by this Court by order dated 17.07.2023 in



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W.P.No.10124 of 2023. In view of the quashing of the circular, the impugned order cannot be allowed to stand and hence, liable to be set aside.

3. The learned Government Advocate (Pondicherry) appearing for the respondents 1 to 3 would submit that after quashing of circular referred to by the petitioners, the 1st respondent issued direction to the Registration Officials not to enquire into the complaints of fraudulent registration and direct the parties to approach Civil Court.

4. The learned counsel appearing for the 4th respondent would submit that 4th respondent may be given liberty to workout his remedy before the Civil Court.

5. In view of the settled position, the Circular No.4225/REGN/A3/DRO/2021, dated 05.08.2021 is already quashed by this Court, the impugned order which was passed based on the circular is liable to be set aside and accordingly, the same is set aside. However, it is made clear that the allowing of the writ petitions would not come in the way of the 4th respondent working out his remedy before the Civil Court.



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6. With this observation, the Writ Petitions stand allowed. No costs.

Consequently, the connected writ miscellaneous petitions are closed.

12.08.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

1. The Inspector General of Registration-cum-Secretary (Revenue),
Union of India represented through the Government of Puducherry
Chief Secretariat, Goubert Avenue,
Beach Road, Registration Department,
Puducherry – 605 001.
2. The District Registrar,
Government of Puducherry, Registration Department,
Kamaraj Salai, Shakthi Nagar,
Saram, Puducherry-605 013.
3. The Sub-Registrar/Thirunallaru,
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S.SOUNTHAR, J.

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