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W.P.No.19979 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19979 of 2024

S.Vadivelamsamy

...

Petitioner

vs

1.The Inspector General of Registration
Inspector General Office
No.120, Santhome High Road,
Chennai – 26

2.The District Collector
Dharmapuri District

3.The Special Tahsildar
Adhi Drvidar Welfare
Dharmapuri Taluk and District.

4.The District Registrar
Dharmapuri Registration District
Dharmapuri.

5.The Sub Registrar -1
Dharmapuri District,
Dharmapuri.

6.The Village Administrative Officer
A-Reddihalli Village,
Dharmapuri.

7.The Welfare Officer,
Backward and Minority Welfare Board
Dharmapuri District, Dharmapuri.

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8. Mookamammal

9. Krishnan

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 4th respondent to dispose of the petition dated 17.05.2024 seeking to cancel the sale deed registered as document No.283 of 2024 on the file of the SRO-1, Dharmapuri and pass appropriate orders on merits after affording opportunity to both parties.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.M.Shajahan, Spl.GP for R1 to R7

ORDER

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

2. The case of the petitioner is that his mother/Mookkammal is the owner of the property in Plot No.32 to an extent of 1308 sq.ft in S.No.286 at Amani Reddihalli Village, Dharmapuri District and the said plot was allotted by the Special Tahsildar (Adi Dravidar Welfare) Dharmapuri during 1986. During her lifetime she executed a Will in favour of the petitioner vide Doc.No.60 of 1999 on 22.11.1999. Thereafter, the petitioner is in possession and paid arrears of tax and put up construction and also obtained



electricity connection in his name. Further, the name of the petitioner's mother was found in UDR Register and the petitioner made a representation to the 3rd respondent/Special Tahsildar (Adi Dravidar Welfare) for change of name and in turn an order has been passed on 13.12.2018 for effecting name transfer and the same has not been updated in the UDR Register. The 7th respondent called for the petitioner and the third parties for enquiry and passed an order on 03.02.2023 vide Na.Ka.No.1771/2023/Y8 stating that none of the parties are entitle to claim right over the property. Challenging the said order, the petitioner filed WP.No.8412 of 2023, whererin this Court by an order dated 17.03.2023 directed to maintain status quo as on date.

3. It is the grievance of the petitioner that the private respondents have sold the properties, in this regard, the petitioner had made a representation to the District Registrar on 17.05.2024 to cancel the fraudulent registration.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 7 and perused the materials available on record.



5. At the outset, this Court is of the view the very allegations and the order passed in proceedings dated 03.02.2023 indicates that there are rival claim over the property. Both the parties have relied upon certain documents, the revenue authorities found that those documents are not valid documents, in such view of the matter directing the registering authorities to enquire into the matter will not serve any purpose.

6. It is for the petitioner to establish his title before the competent Civil Court for cancellation of sale. Merely a person believing to be the owner of the property and executed a sale deed on their own that act will not amount to 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.



7. In the result, the writ petition is dismissed. No costs.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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