



WEB COPY

W.P.No.20030 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.20030 of 2024

A.Thamizudin

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Petitioner

vs

1.The Inspector General of Registration
No.100, Santhome High Road,
Mandavelipakkam,
Chennai – 28.

2.The District Registrar
District Registrar Office,
Kallakurichi, Kallakurichi District.

3.The Sub Registrar
Sankarapuram Sub Registrar Office,
Sankarapuram Taluk,
Kallakurichi District.

4.Akthar Begum

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents 1 to 3 to conduct enquiry and subsequently cancel the registered document in Doc.No.145/2004 dated 29.01.2004 on the file of the Sub Registrar, as per the representation dated 31.10.2022.

For Petitioner : Mr.C.Venkatesan

For Respondents : Mr.M.Shajahan, Spl.GP for R1 to R3



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 father is owning larger extent of properties and died on 25.05.1990, leaving behind his wife and two sons. In the meanwhile, the petitioner's brother/Khallelur Rahman died on 02.12.2025, during his lifetime he executed a settlement deed in favour of this wife/4th respondent herein on 29.01.2004 in Doc.No.145 of 2004. Thereafter, the petitioner made a representation to the Deputy Inspector General of Registration, Cuddalore on 27.07.2023 bearing No.2023/9005/18/421316/07257. The petitioner also sent representation to the 3rd respondent herein on 03.10.2022 seeking to cancel the Doc.No.145/2004 dated 29.01.2004. Hence, the petitioner filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3 and perused the materials available on record.



4. This above 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 registerring 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.

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

24.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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Mandavelipakkam,
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N.SATHISH KUMAR, J.

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