



WEB COPY

W.P.No.21300 of 2024
& W.M.P.No.23260 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21300 of 2024
& W.M.P.No.23260 of 2024

Rajendran

...

Petitioner

versus

1. Inspector General of Registration,
Perambalur District.
2. The District Registrar,
Perambalur District.
3. Sub-Registrar,
Valikandapuram Sub Registrar Office,
Perambalur District.
4. Indrani
5. Saroja
6. Sathya
7. Perumal
8. Suresh
9. Priya
10. Thennarasu

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in connection with the proceedings bearing



A.Thi.Mu.No.3888/U/2023 dated 18.12.2023 and quash the same and consequentially direct the second respondent to reconsider the application of the petitioner dated 15.12.2023 under Section 77-A of the Amended Act.

For Petitioner : Mr.G.Ilamurugu

For Respondent Nos.1 to 3 : Mr.M.Shajahan
Special Government Pleader

ORDER

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

2. This Writ Petition is filed to quash the order dated 18.12.2023 passed by the second respondent and also to direct the second respondent to reconsider the application of the petitioner dated 15.12.2023 under Section 77-A of the Amended Act.

3. The petitioner made a complaint before the authorities to cancel certain documents said to have been executed by the third parties. It is the case of the petitioner that the property belongs to the petitioner's ancestors. Three suits filed by the respondents 4 to 10 were also dismissed. However, based on the power of attorney executed by the respondents 4 to



10, the documents have been registered. Therefore, he seeks to cancel the document.

4. At the outset, this Court is of the view that invoking Section 77-A of the Registration Act itself is a misconceived. As there is no forgery whatsoever involved, merely a person claiming to be the owner of the property and executed certain documents, the said documents will not fall within the ambit of forgery. This aspect has been elaborately dealt by the Hon'ble 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 respondent has registered the document based on the sale deed executed in his favour. Further the registering authorities have no power to conduct roving enquiry with regard to the registered document. It is open for the petitioner to establish his right in an appropriate manner in the Civil Court. In such view of the matter, the remedy of the petitioner is lies elsewhere not before the Sub Registrar and the District Registrar. Hence, I do not find any merits in this Writ Petition.



WEB COPY

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

Consequently, connected Miscellaneous Petition is closed.

01.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

1. Inspector General of Registration,
Perambalur District.
2. The District Registrar,
Perambalur District.
3. Sub-Registrar,
Valikandapuram Sub Registrar Office,
Perambalur District.



WEB COPY

W.P.No.21300 of 2024
& W.M.P.No.23260 of 2024



N.SATHISH KUMAR, J.

sri

W.P.No.21300 of 2024
& W.M.P.No.23260 of 2024

01.08.2024