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W.P. No.20325 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.20325 of 2024

T.Senthil Kumar

... Petitioner

Vs

1.The District Registrar
District Registrar Office
Covai South, Singapore Plaza, 5th Floor
No.333, Ponnaiya Gounder Street
Cross Cut Road, Gandhipuram
Coimbatore

2.The Sub-Registrar
Sub-Registrar Office
Anamalai Taluk
Coimbatore District

... 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 relating to proceeding in Na.Ka. No.16/2024 dated 20.06.2024 on the file of the second respondent herein and quash the same and consequently directing the first respondent to conduct the enquiry pursuant to the representation dated 18.06.2024.



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For Petitioner : Mr.V.Lakshminarayanan

For Respondent : Mr.L.S.M.Hasan Fizal
Addl. Govt. Pleader for R1 & R2

ORDER

Challenge has been made to the impugned order dated 20.06.2024 passed by the second respondent, namely the Sub Registrar, Anaimalai Taluk rejecting the petition given by the writ petitioner as a protest petition to cancel any further transfer.

2. It is the case of the writ petitioner that the subject property was in possession of the petitioner, which was in the name of his mother T.Muthulakshmi. However a sale deed dated 17.11.2022 came to be executed by one K.Muhulakshmi in favour of petitioner's estranged wife. According to the writ petitioner, there is impersonation and forgery. Further, a Non Traceable Certificate also obtained when the documents were already filed in the pending suits between husband and wife. Therefore, according to him, the document registered on 17.11.2022 is a result of forgery. Therefore seeks an action under Section 77-A of the Registration Act. In this regard, he has given



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court.

a petition, which has been rejected and directed the petitioner to approach the court.

3. It is the contention of the learned counsel for the petitioner that the very factum of obtaining a Non Traceable Certificate from the police suppressing the facts about the filing of the documents in the court proves forgery.

4. Heard both sides and perused the entire materials available on record.

5. Even such a contention appears to be true, it may be a case of suppression of facts. It may not be a case of forgery. Admittedly, there is cases pending between the petitioner and his wife in civil court. The wife of the petitioner set up independent title over the property on the basis of the sale deed executed in her favour. Writ petitioner, admittedly contesting defendant in the suit by his wife. Such is the situation, he can very well establish this allegation in a proper pleadings in the competent civil court. Without resorting such procedure, particularly when the issue itself relates to a particular property and seeking a direction to the Sub Registrar or District Registrar to go into that



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issue, in the considered view of this court, it cannot be sustained. If the petitioner is really of the view that there is a forgery or impersonation, it can be established only in the civil suit where the dispute is already pending in respect of the same property. In such view of the matter, I do not find any merit in the writ petition and the same deserves to be dismissed.

6. Accordingly, the writ petition is dismissed. However, there is no order as to costs.

24.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

To

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3. The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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