



WP.No.33564 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.33564 of 2023
and W.M.P.No.33377 of 2023

K.Tamil Selvi

.. Petitioner

Versus

1.The District Registrar Administration
South Chennai District
Saidapet, Chennai – 600 018

2.M.Chandrasekar
3.Vasanthi Chandrasekhar

4.The Zonal Health Officer, Zone-IV
Greater Chennai Corporation
Chennai – 600 001
(R4 impleaded as per Order dated 04.04.2024 in
W.M.P.No.7058 of 2024 in W.P.No.33564/2023 by NSKJ)

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the passing of the order dated 17.06.2023 on the file of the 1st respondent in proceedings No.ந.க.எண்.21153/இ2/2022 and quash the same.

For Petitioner : Mr.G.Justin

For Respondent : Mr.P.Anandha Kumar for R1
Government Advocate
Mr.Sankara Kutralingam for R2 & R3



ORDER

Challenge has been made to the order of the District Registrar cancelling the document registered in favour of the writ petitioner.

2. It is the case of the writ petitioner that originally an extent of 2360 sq.ft., was owned by one Govindhaswamy. He has purchased the said property in the year 1970 in Doc.No.16/1970. Thereafter, the said Govindhaswamy is said to have sold the property in favour of the petitioner on 05.04.2007 through his power of attorney L.Ganesh. According to the petitioner, therefore, she is in possession of the property and patta also stands in her name.

3. However, on the basis of a complaint given by the private respondents herein to the effect that the Govindhaswamy originally owned by 2360 sq.ft., and one Chandhrika has purchased an extent of 2147 sq.ft., from the said Govindhaswamy on 09.04.1984 in Doc.No.2310/1984. Thereafter, Chandrika has sold the property to one Vijayalakshmi and the said Vijayalakshmi again sold the property to the Muthaathaal on 10.12.1986. The said Muthaathaal has settled the property in favour of Angappan on 23.10.1989. The private respondents has purchased the property from the said Angappan on 15.09.2017. According to the private respondent, the power of attorney said to



have been executed by the Govindhaswamy on 06.03.1995 is forged. The Govindhaswamy had died prior to the said Power of Attorney, i.e., 20.08.1994. Pursuant to the said complaint, the District Registrar has gone into these aspects and on the basis of the death certificate produced by the private respondents to the effect that the Govindhaswamy died on 20.08.1994, the District Registrar concluded that the question of appointing the power agent by the said Govindhaswamy is unbelievable, therefore, the District Registrar held that the power of attorney is created after the death of the Govindhaswamy and cancelled the document registered in favour of the petitioner and all subsequent the documents. Challenging the said order, this writ petition is filed.

4. Heard both sides and perused the materials placed on record, particularly, title deeds and also called for the original death register maintained by the Corporation.

5. On perusal of the said Register, it indicates that the death certificate produced before the District Registrar itself is forged one. In fact, one Govindamal death has been actually registered in the original register on 20.08.1984, that entry has been taken advantage and death certificate has been fabricated as Govindhaswamy death certificate and produced to show as if the



power of attorney came into existence after the death of the original owner namely Govindhaswamy. Therefore, the District Registrar just relying upon one document and cancelled the document that cannot be sustained in the eye of law. Be that as it may, the petitioner draws title from Govindhasamy. It is admitted by both sides that the Govindasamy purchased the said property in the year 1970, the document produced by both sides indicates that the Govindasamy has sold the property in the year 1984 to one Chandrika on 09.04.1984 in Doc.No.2310/1984.

6. Therefore, once the property has already been sold by Govindaswamy, de hors, the forged document namely the death certificate, dealing with the same property by the said Govindhaswamy itself does not arise at all. Therefore, these aspects have to be proved properly. On prima facie, this Court finds the property of the Govindhaswamy has been sold in the year 1984. Therefore, the writ petitioner deriving the title from some document in respect of the same property itself is doubtful. Such view of the matter, the District Registrar's order is set aside on the ground that he has relied on the forged document. It is for the writ petitioner to establish her title by filing appropriate suit before the Civil Court.

7. In view of the above, this writ petition stands disposed of. No costs.



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Consequently, connected miscellaneous petition is closed.

27.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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N. SATHISH KUMAR, J.



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dhk

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