



WEB COPY



WP.No.35642 of 2024

In the High Court of Judicature at Madras

Dated : 02.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35642 of 2024 &
WMP.No.38508 of 2024

V.Jayachandran

...Petitioner

Vs

1.The Deputy Inspector General
of Registration, Nandanam,
Chennai-35.

2.The District Registrar (Administration),
South Chennai, Chennai-28.

3.N.Mohammed

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to proceedings dated 28.10.2022 bearing Na.Ka.No.14797/E2/2022 on the file of the second respondent and quash the same.

For Petitioner : Mr.K.Elangoo for
M/s.Krishna Law Associates
For R1 & R2 : Mr.M.Shahjahan, SGP

ORDER

Challenging the proceedings dated 28.10.2022, in and by



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which, the second respondent held that certain sale deeds including the sale deed dated 09.5.2022 registered as doc.No.7808 of 2022 on the file of the Sub-Registrar, Guduvanchery executed in favour of the petitioner are invalid.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader accepting notice for respondents 1 and 2.

3. The case of the petitioner is as follows :

(i) The petitioner purchased two properties at plot Nos.7 and 8 measuring a total extent of 5,948 sq.ft. in survey Nos.239/32, 239/33, 239/34 and 239/35, R.M.Nagar, Aathananjeri Village, Kundrathur Taluk, Kancheepuram District vide a sale deed dated 09.5.2022 registered as doc.No.7808 of 2022 on the file of the Sub-Registrar, Guduvanchery from one Mr.K.N.Ramesh, who, in turn, purchased the said properties from one Mrs.J.Mary on 30.4.2013 vide registered doc. No.14424 of 2013 on the file of the same Sub-Registrar.

(ii) A false complaint appears to have been lodged by the third respondent claiming title to the said properties. Pursuant to that, the second respondent issued directions to the Sub-Registrar,



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Guduvanchery to make an endorsement that certain sale deeds including the one in the name of the petitioner were fraudulent documents and further directed initiation of proceedings under Section 83 of the Indian Registration Act (for short, the Act). This order of the second respondent is the subject matter of challenge in this writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. The second respondent exercised her power under Section 77A of the Act, which is introduced by an amendment made by the Government of Tamil Nadu, to hold the documents including the one in favour of the petitioner namely doc.No.7808 of 2022 dated 09.5.2022 as fraudulent documents and instructions were given to enter this remark in the encumbrance certificate and also to initiate proceedings under Section 83 of the Act.

6. The power of the Registering Authority to cancel the documents by donning the role of a civil court has been held to be unconstitutional by a judgment of the Division Bench of this Court in



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the case of ***M.Kathirvel Vs. Inspector General of Registration,
Department of Registration and Others [reported in 2024 (4)
CTC 769].***

7. Therefore, the impugned order in so far as it relates to the cancellation of the registered documents on the ground that they are fraudulent documents, is concerned, is set aside. The writ petition is accordingly disposed of. No costs. Consequently, the connected WMP is closed.

02.12.2024

To

- 1.The Deputy Inspector General
of Registration, Nandanam,
Chennai-35.
- 2.The District Registrar (Administration),
South Chennai, Chennai-28.

RS



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