



W.P.(MD)No.4641 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.4641 of 2022

Sadagopan

... Petitioner

Vs

1. The District Registrar,
Palayamkottai District Registrar Office,
Palayamkottai, Kokkarikuam,
Tirunelveli.

2. The Sub-Registrar,
Murappanadu Sub-Register Office, 1/34,
Sub-Registrar Office Road, Murappanadu,
Srivaikundam Taluk, Tuticorin District- 628 252.

3. Varathathesika Achariyar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st respondent herein to cancel the sale deeds registration Nos. 1105/1989 dated 23.06.1989, 1106/1989 dated 23.06.1989, 1107/1989 dated 23.06.1989, 1108/1989 dated 23.06.1989, 1324/2001 dated 07.09.2001, 1430/2001 dated 03.10.2001, 1432/2001 dated 03.10.2001, 3721/2013 dated 27.09.2013, 1519/2018 dated 28.08.2018 duly registered by the 2nd respondent herein in respect of the petitioner's property in



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Survey Nos. 25/1F2 and 25/1A1 situated at Parpakula village, Palayamkottai Taluk, Tirunelveli District, based on his representation, dated 22.11.2021 in accordance with law and within stipulated period.

For Petitioner : Ms.A.Banumathy
For Respondents : Mr.P.Subbaraj (R1,R2)
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the 1st respondent to cancel the sale deeds registration Nos. 1105/1989 dated 23.06.1989, 1106/1989 dated 23.06.1989, 1107/1989 dated 23.06.1989, 1108/1989 dated 23.06.1989, 1324/2001 dated 07.09.2001, 1430/2001 dated 03.10.2001, 1432/2001 dated 03.10.2001, 3721/2013 dated 27.09.2013, 1519/2018 dated 28.08.2018 duly registered by the 2nd respondent herein in respect of the petitioner's property in Survey Nos. 25/1F2 and 25/1A1 situated at Parpakula village, Palayamkottai Taluk, Tirunelveli District, based on his representation, dated 22.11.2021 in accordance with law and within stipulated period.

2.Heard Ms.A.Banumathy, the learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents 1 & 2. Perused the materials available on record.



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3.It is the case of the petitioner that the petitioner seek a direction to cancel the aforesaid sale deeds on the ground of fraud. According to the petitioner, the aforesaid property belongs to the petitioner. The 3rd respondent had fabricated false documents and executed the sale deeds. Hence, seeks a direction to cancel these documents.

4.In such view of the matter, this Court is of the view that mere registration of a document by person as his own property and executing a document will not constitute forgery. This 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 respondent had executed sale deeds. Further the registering 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.

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



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NCC : Yes/No
Index : Yes/No
PNM

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N.SATHISH KUMAR, J.

PNM

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