



W.P(MD)No.11980 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM :

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P(MD)No.11980 of 2022

and

W.M.P.(MD)Nos.8529 & 8530 of 2022

V.S.T.Amanullah

... Petitioner

Vs.

1.The District Registrar,  
Registration Department,  
Tenkasi District.

2.The Sub-Registrar,  
Melapalayam Sub Registrar Office,  
Melapalayam, Tirunelveli District.

3.The Sub Registrar,  
Alangulam Sub Registrar Office,  
Alangulam, Tenkasi.

4.Peer Mohammed  
5.Ibrahim Badhusa

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1<sup>st</sup> respondent in No.6286/A2/2020 dated 07.10.2021 and quash the same and consequently, to direct the 2<sup>nd</sup> respondent to make endorsement about the fraudulent document in Doc.No.2525/2019, dated 21.05.2019.



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For Petitioner : Mr.H.Arumugam  
For R1 to R3 : Mr.P.Subbaraj,  
Special Government Pleader  
For R4 & R5 : Mr.S.Meenakshi Sudaram,  
Senior Counsel for Mr.T.Selvan

### **ORDER**

Challenge has been made to the impugned order passed by the 1<sup>st</sup> respondent, dated 07.10.2021, rejecting the application of the petitioner to cancel the fraudulent document executed by the 4<sup>th</sup> respondent.

2.The main grievance of the petitioner is that his grandparents had purchased the property to an extent of 5 acres in S.No.25, Melapalayam Village in the year 1954. Thereafter, during partition, the property in question was allotted to the father of the petitioner and after his death, the petitioner and other legal heirs are in possession and enjoyment of the same. In such circumstances, the 4<sup>th</sup> respondent executed a fraudulent settlement deed in favour of his son / 5<sup>th</sup> respondent on 21.05.2019. Therefore, the petitioner made a complaint before the 1<sup>st</sup> respondent to conduct enquiry with regard to the fraudulent settlement deed. Since the same was not considered, the petitioner filed W.P.(MD)No.11763 of 2021, seeking a direction to the 1<sup>st</sup> respondent to conduct an enquiry, where this Court, vide order dated 27.07.2021, directed the



1<sup>st</sup> respondent to conduct enquiry. Pursuant to the said direction, the 1<sup>st</sup> respondent conducted enquiry and passed an order, dated 07.10.2021, directing the petitioner to approach the civil Court, since the issue is with regard to the title. Challenging the same, the petitioner has filed this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that the 4<sup>th</sup> respondent is claiming to be the owner of the property based on the document of the year 1903 and executed a settlement deed in favour of his son / 5<sup>th</sup> respondent on 21.05.2019 and since the original jurisdictional Sub Registrar had refused to register the settlement deed, in order to register the settlement deed, he had purchased some extent of the property in a different jurisdiction, namely, Alangulam and registered the settlement deed. Thereafter, he has re-conveyed the property purchased within the jurisdiction of the Sub Registrar, Alangulam on 27.05.2019. However, the settlement deed got registered in favour of the 5<sup>th</sup> respondent. Hence, the entire act of the 4<sup>th</sup> respondent is fraudulent one. Therefore, he seeks a direction to conduct an enquiry, declare the document as fraudulent and cancel the same.

4.On perusal of the impugned order and the submissions made by both sides, this Court is of the view that the parties are tracing title in a



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different source. The petitioner claims title based on the document of the year 1954, whereas the 4<sup>th</sup> respondent is tracing the title from their ancestors based on the document of the year 1903. In such view of the matter, merely a person has executed certain documents, claiming to be the owner of the property, forgery cannot be inferred at all. Forgery and other aspects have to be seen only in the context of foundational fact, which has to be established in the manner known to law before the civil Court as per **Satya Pal Anand v. State of M.P.**[ 2016 10 SCC 767] and **G. Rajasulochana v Inspector General** made in W.P 29706 of 2024 dated 16.04.2024.

5.In such view of the matter, the impugned order passed by the 1<sup>st</sup> respondent dated 07.10.2021, does not require any interference. Therefore, this Writ Petition is dismissed. It is for the parties to agitate their rights in the civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

02.09.2024

(½)

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

*Yuva*



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To

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Tenkasi District.
- 2.The Sub-Registrar,  
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**N.SATHISH KUMAR, J**

*Yuva*

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