



WP(MD). No.15212 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 09/08/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.15212 of 2022 and
WMP(MD) Nos.10901 and 10902 of 2022**

1. Rajalakshmi,

2. Kavitha,

3. Dhanajothi,

... Petitioners

Vs

1. The Deputy Inspector General,
Registration Department,
Thirunelveli..

2. The District Registrar (Admin),
Registration Department, Tenkasi District,
Tenkasi..

3. The Sub Registrar,
Melaneelithanallur ,Tenkasi District..

4. Subramanian M,

5. Velladurai S,
S/o. Madasamy Thevar, No.3/45,
Vinayagar Kovil Street, Shanmuganallur,
Periyakovilangulam Post, Sankarankovil Taluk,
Tenkasi District..

... Respondents



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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 relates to impugned order of the 2nd respondent in proceedings Pa.Mu.No. 772/B2/ 2022 dated 04.07.2022, and quash the same as illegal and unconstitutional, consequently forbear the 3rd respondent from entertaining or registering any kind of instrument to be presented by the respondents 4 and 5 or by their agent or men for registration in respect of Survey No. 250/2 of Ko. Maruthappapuram Village, Sankarankovil Taluk, Tenkasi District.

For Petitioners : M/s. Balamurugan. S,
For Respondent : Mr.C.Satheesh for R1 to R3
Government Advocate
Mr.H.Arumugam for R4 & R5

ORDER

The writ petition has been filed challenging the impugned order of the 2nd respondent dated 04.07.2022 and consequently forbear the 3rd respondent from entertaining or registering any kind of instrument to be presented by the respondents 4 and 5 or by their agent or men for registration in respect of Survey No. 250/2 of Ko. Maruthappapuram Village, Sankarankovil Taluk, Tenkasi District.



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2. The petitioners have executed a settlement deed dated 21.01.2021 before the Sub Registrar. At the time of presentation of the document, they also produced legal heir certificate of one Valliammai dated 27.12.2012. The said transaction namely registration has been challenged by the respondents 4 and 5 before the Sub Registrar on the ground that the original owners already sold the property in the year 1959 in their favour. The District Registrar while conducting enquiry found that legal heir certificate produced along with the document has not been issued by the concerned Tahsildar. The Tahsildar reported to the District Registrar to the effect that the said document has been forged and not issued in their office and recommended for criminal action. Based on that, the order has been passed by the District Registrar directing action under Section 83 of the Registration Act for filing FIR. However, in respect of the title of the property, no orders have been passed. Only with regard to the forged document and prima facie finding, enquiry has been ordered. Challenging the same, the writ petition has been filed.



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3. The main contention of the learned counsel for the petitioners is that the legal heir certificate has not been obtained by them and it has been obtained by one Kasipandian S/o.Subbiah only for the purpose of registration of the document. The document has been handed over by the petitioners. Therefore, they cannot be proceeded criminally.

4. At the outset, this Court is of the view that whether the petitioners have obtained the document or not is a matter to be unearthed during investigation and not before this Court. The so called document relied upon to register the document appears to have been forged. The concerned Tahsildar also given a report in this regard. In such view of the matter, this Court is of the view that the document prima facie appears to be a forged one and action initiated under Section 83 of the said Act cannot be found fault with. Hence, the writ petition fails and the same is dismissed and it is for the authorities to unearth the truth by conducting proper investigation. No costs. Consequently connected Miscellaneous Petitions are closed.

09.08.2024

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