



W.P.(MD)No.20033 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20033 of 2022
and WMP(MD)Nos.14573 &14574 of 2022

A.Kennedy

... Petitioner

Vs.

1. The District Registrar(North) (Admin.),
O/o. The District Registrar,
Madurai North,
Rajakampeeram,
Y.Othakadai,
Madurai.

2.Edwin Aldrin

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order dated 27.06.2022 passed in proceedings No. 4082/R2/A2/2021 on the file of the 1st respondent and quash the same as illegal.

For Petitioner : Mr.J.Sulthan Basha

For R1 : Mr.M.Siddharthan
Additional Government Pleader

For R2 : Mr.K.Neethimohan



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ORDER

Challenge has been made to the impugned order passed by the first respondent in his proceedings in No.4082/R2/A2/2021 dated 27.06.2022.

2. Heard both sides and perused the materials placed before this Court.

3. The case of the petitioner is that the petitioner was the attesting witness in the settlement deed executed in favour of one Jeyapriya Mary. According to the petitioner, the second respondent has executed a settlement deed to one Jeyapriya Mary in the year 2006. Subsequently, a complaint has been given. Thereafter, the same has been cancelled. Now in the impugned order, the District Registrar directed the criminal prosecution under Sections 82 & 83 against the persons who are involved in the impersonation. Challenging the same this writ petition has been filed.

4. It is the contention of the writ petitioner that the District Registrar has no power to go into the title dispute and cancelling the document. Therefore



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the impugned order is liable to be set aside.

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5. On perusal of the materials, it is clear that it is not the case of cancellation of the documents. The registering authority has, in fact, conducted the enquiry and based on the scientific evidence, particularly expert's evidence, found that the persons executed the settlement deed on impersonation before the registering authority. The petitioner is said to be one of the attesting witness against whom the criminal prosecution under Section 83 is directed by the District Registrar on the ground of impersonation, not more than that. Therefore, it cannot be held that the document has been annulled. But the impersonation has been found based on the expert's evidence. It cannot be said that the petitioner still can question the jurisdiction of the Registrar. Be that as it may, the fact remains that the action is directed against only the persons who involved in the alleged impersonation.

6. Hence, the death of one of the brother of the respondent cannot make any impact on the impugned order. It is also to be noted that the person on whose name, the gift deed is executed is not challenged the proceedings. Only attesting witness is challenging the proceedings and filed the present writ petition.



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Hence, this Writ Petition is dismissed. There shall be no order as to costs.

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

PJL

To
The District Registrar(North) (Admin.),
O/o. The District Registrar,
Madurai North,
Rajakampeeram,
Y.Othakadai,
Madurai.



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N.SATHISH KUMAR, J.

PJL

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