



W.P.(MD) No.19258 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : .19.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.19258 of 2016

and

W.M.P.(MD) No.13905 of 2016

AL.Ramu

.. Petitioner

Vs.

1.The District Registrar (Admin),
Registration Department,
Karaikudi, Sivagangai District.

2.The Sub Registrar,
Karaikudi,
Sivagangai District.

3.Shamala Devi

4.Maithili

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records in pursuant to the impugned order dated 05.08.2016 in Na.Ka.No. 2912/A1/2015 passed by the first respondent and quash the same.



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For Petitioner : Ms.M.Rajeswari
For R1 & R2 : Mr.D.Sadiq Raja
Additional Government Pleader
For R3 & R4 : Mr.VR.Shanmuganathan

ORDER

The proceedings under challenge had been initiated pursuant to Circular 67, which had been invalidated by the Hon'ble Supreme Court. However, in the said proceedings, the first respondent, by coming to the conclusion that there has been misrepresentation of fact during the registration, had directed initiation of criminal proceedings by invoking his powers under Section 83 of the Registration Act, 1908 (hereinafter referred to as “the Act”).

2. Even though such direction had been issued during the enquiry under Section 87 of the Act, considering the fact that under the provisions of Sections 82 and 83 of the Act, the Registering Authority has the power to initiate penalty proceedings as well as prosecution against persons, who had made false statement, while registering a



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document, the said direction alone can be sustained. However, the other findings under the impugned order shall stand set aside.

3. In fine, the impugned order is partly set aside by sustaining the direction issued invoking the powers under Section 83 of the Registration Act. Accordingly, the Writ Petition is partly allowed. The parties are at liberty to approach the civil Court seeking for appropriate remedy in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.11.2024

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

abr

To

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Registration Department,
Karaikudi, Sivagangai District.

2.The Sub Registrar,
Karaikudi,
Sivagangai District.



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K.KUMARESH BABU, J.

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