



W.P.(MD)Nos.23221 and 23222 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.23221 and 23222 of 2021

and

W.M.P.(MD)Nos.19649 and 19650 of 2021

H.Prakashammal

... Petitioner in W.P.(MD)No.23221/2021

H.Sudha

... Petitioner in W.P.(MD)No.23222/2021

Vs.

1.The Secretary to Government,
Registration Department,
Secretariat-Fort St.George,
Chennai-09.

2.The Inspector General of Registration,
No.100, Santhom High Road,
Pattinampakkam, Raja Annamalaipuram,
Chennai-28.

3.The District Registrar (Administration),
Palace Road, Madurai South, Madurai.

4.The Sub-Registrar,
Sub-Registrar Office,
Solavanthan, Madurai.

5.G.Veerpandi

... Respondents in both petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling



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for the records and to quash the proceedings of the third respondent in Na.Ka.No.6967/Aa2/2021 dated 06.12.2021 and consequently direct the third respondent to make a genuine fresh enquiry within a time stipulated by this Court.

For Petitioner : Mr.R.Saravanakumar
For R1 to R4 : Mr.C.Satheesh
Government Advocate
For R5 : Mr.P.Ramachandran

ORDER

These writ petitions have been filed challenging proceedings of the third respondent in Na.Ka.No.6967/Aa2/2021 dated 06.12.2021 and consequently to direct the third respondent to make a genuine fresh enquiry within a time stipulated by this Court.

2.It is the case of the petitioner in W.P.(MD)No.23222 of 2021 that her mother/petitioner in W.P.(MD)No.23221 of 2021 has purchased the land in Survey No.157/7 through a registered sale deed from the father of the fifth respondent in the year 1999 and subsequently, executed a settlement deed in favour of the petitioner in the year 2016. The petitioner and her mother are in possession and enjoyment of the said property from the date of purchase. While that being so, the third respondent issued a proceedings dated 06.12.2021 stating that on the complaint launched by the fifth respondent, enquiry was conducted and it is found from the records submitted by the fifth respondent



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that the sale deed executed in favour of the petitioner's mother and the subsequent settlement deed executed in favour of the petitioner are forged documents. Challenging the same, the petitioners have filed these writ petitions.

3.The petitioners contended that the property in question was purchased from the father of the fifth respondent vide registered sale deed in document No. 917/1999. Thereafter, the settlement deed was executed in favour of the petitioner in W.P.(MD)No.23221 of 2021 vide registered document dated 10.11.2016. Only based on the complaint made by the fifth respondent, the third respondent had hurriedly conducted the enquiry and passed the impugned order declaring the sale deed and the settlement deed executed in favour of the petitioners as forged documents without putting the petitioners on notice and without perusing the documents available with the petitioners.

4.At the outset, the Registering Authority has no power to cancel any registered document. This aspect has been elaborately dealt by this Court in W.P.No.29706 of 2022 [***G.Rajasulochana Vs. Inspector General of Registration and others***]. Further, the Hon'ble Supreme Court in the case of ***Satya Pal Anand v. State of M.P., reported in (2016) 10 SCC 767*** has held that



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the “some irregularity in the procedure committed during the registration process” would not lead to a fraudulent execution and registration of the document, but a case of mere irregularity. In either case, the party aggrieved by such registration of document is free to challenge its validity before the Civil Court.”

5.In the case on hand, whether the sale deed executed by the father of the fifth respondent and the settlement deed executed by the petitioner in W.P. (MD)No.23221 of 2021 in favour of her daughter are valid in the eye of law is the matter of evidence, which has to be decided only before the Civil Court.

6.Accordingly, these Writ Petitions stand allowed and the proceedings of the third respondent in Na.Ka.No.6967/Aa2/2021 dated 06.12.2021 is set aside. The parties are at liberty to work out their remedy before the competent Civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

12.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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N.SATHISH KUMAR, J.

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