

Mr. Mohit Jadhav, Addl. GP for respondent Nos.2 to 4-State.

CORAM : MANISH PITALE, J.
DATE : 06th OCTOBER, 2025

P.C. :

. The petitioner appears in person. Respondent No.1, who is the brother of the petitioner, is represented by learned counsel Mr. Velar and respondent Nos.2 to 4-State authorities are represented by Mr.Jadhav, learned Additional GP.

2. The grievance of the petitioner in person in the present petition, is that respondent No.2 has sent a communication refusing to grant relief claimed by the petitioner, to the effect that a document registered with respondent No.2 ought to be cancelled. Respondent No.2 has specifically observed that it does not have the power to grant such relief and that the petitioner should approach the competent Court.

3. The petitioner in person submits that the subject document being an affidavit registered by one Hansaben, widow of Manubhai Tribhovandas Mehta, who is the aunt of the petitioner, was got registered by manipulation and fraud. On this basis, the petitioner

sent a communication to respondent authorities, claiming that the document was got registered in such a manner and that it was fabricated and manipulated, praying for cancellation of the same.

4. Learned counsel appearing for respondent No.1 submits that a will deed was executed by the said Hansaben, widow of Manubhai Tribhovandas Mehta, in favour of the said respondent, in respect of which probate proceedings were initiated, wherein the petitioner has also raised objection and the dispute is pending before this Court in the form of Testament Suit No.11 of 2024.

5. The learned Additional GP appearing for respondent Nos.2 to 4 submits that no interference is warranted in the impugned communication issued by respondent No.2, as it is based on settled position of law that the question of fraud, fabrication and manipulation can be decided by competent Civil Court.

6. At this stage, the petitioner relies upon an order of Madras High Court in the case of *G. D. Subramaniam vs. The Sub-Registrar and others* (order dated 10.02.2009 passed in Writ Petition No.8567 of 2008), to contend that writ petition, in such circumstances, is maintainable.

7. This Court has perused the aforesaid order of Madras High Court, which can be of persuasive value. A perusal of the same shows that the question that fell for consideration before Madras High Court was, as to whether registration of a deed for cancellation, unilaterally executed by the vendor to nullify an earlier sale validly made, was sustainable in law. Such is not the question sought to be raised by the petitioner in person in this petition.

8. A perusal of the communication sent by the petitioner himself to the respondent authorities, while challenging the subject registered document, shows that allegations of fabrication and manipulation have been specifically made. Respondent No.2 is justified in communicating to the petitioner in person that it is not equipped to decide such question and that the petitioner should approach competent Civil Court.

9. This Court is also of the opinion that the question of fraud, fabrication and/or manipulation raised by the petitioner will have to be decided by the competent Civil Court and that respondent No.2 cannot decide such questions. In fact, this Court exercising writ jurisdiction, can also not decide such disputed questions of facts and therefore, the petitioner ought to approach competent Civil Court.

10. In view of the above, present petition is dismissed. However, the petitioner is at liberty to approach the competent Civil Court for raising such grievance, strictly in accordance with law.

11. All contentions are kept open.

(MANISH PITALE, J)

Priya Kambli