



W.A.No.103 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

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CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.103 of 2025
and
C.M.P.No.555 of 2025

S.S.Gayathri Bai,
W/o.S.N.Sivashankar Rao

... Appellant / Petitioner

Vs.

1.The District Registrar,
Registrar Office,
Collectorate,
Krishnagiri – 635 115.

2.Krishnappa,
S/o.Narayanappa

3.Chenna Veerachari,
S/o.K.Kittachari

4.V.Ramappa,
S/o.Chinna Venkatappa

... Respondents / Respondents

Prayer: Appeal under Clause 15 of the Amended Letters Patent, 1865 against the Order dated 25.10.2024 passed in W.P.No.14645 of 2024.

For Appellant : Mr.V.Raghavachari



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Senior Counsel
for Mrs.V.Srimathi

For Respondents :
For R1 : Mr.U.Baranidharan
Special Government Pleader

For R2 : Not ready in notice

For R3 and R4 : Died – steps due

JUDGMENT

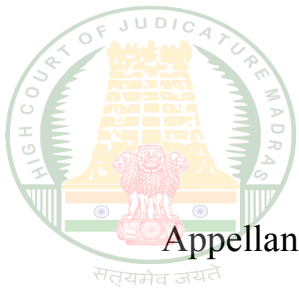
(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The *lis* on hand has been instituted, challenging the Writ Order dated 25.10.2024 in W.P.No.14645 of 2024.

2. The proceedings of the District Registrar, rejecting the application submitted by the Appellant, seeking cancellation of the registered Sale Deed in proceeding dated 14.02.2024 came to be challenged by the Appellant in the writ proceedings.

3. The District Registrar considered the application filed by the Appellant/Petitioner and made a finding that the allegations of impersonation cannot be adjudicated by him and relegated the Appellant/Petitioner to approach the competent Civil Court of law for redressal of her grievances.

4. Not satisfied with the Order of the District Registrar, the



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Appellant/Petitioner filed the Writ Petition. The Writ Court considered the issues and made a finding that Section 77A of the Registration Act, 1908 has been struck down by the Division Bench of this Court and the Appeal preferred before the Hon'ble Supreme Court of India is pending.

5. Under these circumstances, the District Registrar has no power to adjudicate the allegations relating to fraud or impersonation by invoking the powers conferred under Section 77A of the Registration Act, 1908. Thus, the Appellant/Petitioner has chosen to file the present Intra-Court Appeal under Clause 15 of the Amended Letters Patent, 1865.

6. Mr.V.Raghavachari, learned Senior Counsel for the Appellant would contend that impersonation is apparent on the face of record. Mere verification of the signature of the Appellant/Petitioner in the Original Deed as well as the alleged Sale Deed would be sufficient to form an opinion that the signatures are forged.

7. When a *prima facie* case has been established by the Appellant/Petitioner, the Registering Authority ought to have initiated action for cancellation of the registered Sale Deed by exercising the power conferred



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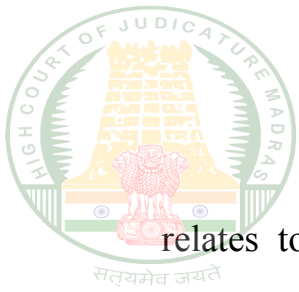
under Section 82 and Section 83 of the Registration Act read with Rule 54 and Rule 55 of the Registration Rules.

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8. Since the respondents failed to exercise the power, the Writ Petition came to be instituted. The Writ Court rejected the Petition merely on the ground that Section 77A of the Registration Act, 1908 has been struck down. Therefore, the District Registrar, cannot exercise any powers to deal with the allegations of forgery and impersonation etc.,

9. Learned Senior Counsel placed on reliance the Judgment of the Kerala High Court in the case of “**Mary Mohan Chacko and another Vs. Inspector General, Department of Registration and others**” reported in **2024 SCC OnLine Ker 1016** in W.P.(C) No.33749 of 2023 dated 29.02.2024, wherein a reference was made under Section 83A of the Registration Act, 1908.

10. Learned Single Judge of the Kerala High Court considered the issues under Section 83A of the Registration Act, 1908, deals with “Cancellation of registered documents in certain cases”. The said provision is *pari materia* to Section 77A of the Registration (Tamil Nadu Amendments) Act, 2008, which came to be struck down. However, Section 83A of the Registration Act, 1908



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relates to the amendment made in the State of Kerala (State Amendment),

cannot be applied in the State of Tamil Nadu. Therefore, the said Judgment is of no avail to the Appellant/Petitioner for the purpose of succeeding in the present Writ Appeal.

11. Let us consider the scope of Section 83 and Section 84 of the Registration Act, 1908 relied upon by the Appellant/Petitioner. Section 83 denotes “Registering Officer may commence prosecutions”. Sub-Section (1) to Section 83 stipulates that “a prosecution for any offence under this Act coming to the knowledge of a Registering Officer in his official capacity may be commenced by or with the permission of the Inspector General, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed”. Sub-Section (2) to Section 83 contemplates “save as provided in Section 80G, offences punishable under this Act shall be triable by any Court or Officer exercising powers not less than those of a Magistrate of the Second Class”.

12. Section 82 of the Registration Act, 1908 deals with “penalty” for making false statements, delivering false copies or translations of documents, false personation and abetting offences under the Act. Even in such cases,



where the Registering Authority found that there is an impersonation or fraud at the time of registration, he / she has to initiate action to prosecute the offences.

13. In this context, it is useful to refer the following observations of the Hon'ble Supreme Court in the case of “**Satya Pal Anand Vs. State of Madhya Pradesh and others**” reported in **(2016) 10 SCC 767**:

“46. In our considered view, the decision in *Thota Ganga Laxmi* [*Thota Ganga Laxmi v. State of A.P.*, (2010) 15 SCC 207 : (2013) 1 SCC (Civ) 1063] was dealing with an express provision, as applicable to the State of Andhra Pradesh and in particular with regard to the registration of an extinguishment deed. In absence of such an express provision, in other State legislations, the Registering Officer would be governed by the provisions in the 1908 Act. Going by the said provisions, there is nothing to indicate that the Registering Officer is required to undertake a quasi-judicial enquiry regarding the veracity of the factual position stated in the document presented for registration or its legality, if the tenor of the document suggests that it requires to be registered. The validity of such registered document can, indeed, be put in issue before a court of competent jurisdiction.

47. In the present case, the document in question no doubt is termed as an extinguishment deed. However, in effect, it is manifestation of the decision of the Society to cancel the allotment of the subject plot given to its member due to non-fulfilment of the obligation by the member concerned. The subject document is linked to the decision of the Society to cancel the membership of the allottee of the plot given to him/her by the Housing Society. In other words, it is the decision of the Society, which the Society is entitled to exercise within the framework of the governing cooperative laws and the bye-laws which are binding on the



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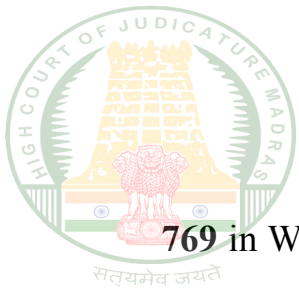
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members of the Society. The case of *Thota Ganga Laxmi* [*Thota Ganga Laxmi v. State of A.P.*, (2010) 15 SCC 207 : (2013) 1 SCC (Civ) 1063], besides the fact that it was dealing with an express provision contained in the statutory Rule, namely, Rule 26(k)(i) of the Andhra Pradesh Registration Rules, 1960, was also not a case of a deed for cancellation of allotment of plot by the Housing Society. But, of a cancellation of the registered sale deed executed between private parties, which was sought to be cancelled unilaterally. Even for the latter reason the exposition in *Thota Ganga Laxmi* [*Thota Ganga Laxmi v. State of A.P.*, (2010) 15 SCC 207 : (2013) 1 SCC (Civ) 1063] will have no application to the fact situation of the present case.

48. Taking any view of the matter, therefore, we are of the considered opinion that, the High Court has justly dismissed the writ petition filed by the appellant with liberty to the appellant to pursue statutory remedy resorted to by him under the 1960 Act or by resorting to any other remedy as may be advised and permissible in law. All questions to be considered in those proceedings will have to be decided on its own merits.

49. Accordingly, we dismiss this appeal in the above terms with no order as to costs.”

14. After the Judgment by the Hon'ble Supreme Court in **Satya Pal Anand** case (cited *supra*), the State of Tamil Nadu brought an amendment and inserted Section 77A in the Registration Act, 1908. However, the said provision has been struck down by the Division Bench of this Court in the case of “**M.Kathirvel and others Vs. The Inspector General of Registration, Department of Registration, Chennai and others**” reported in (2024) 4 CTC

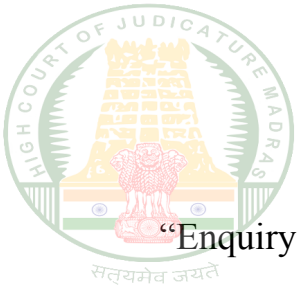


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769 in W.P.Nos.10291 of 2022 etc., batch dated 02.08.2024, and no more in the statute book.

15. Section 86 of the Registration Act, 1908, provides protection to the Registering Officer in respect of the actions done in good faith. Section 86 denotes “Registering Officer not liable for thing *bona fide* or refused in his official capacity”. It states that “no registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity”. Therefore, the involvement of the Registering Authority relating to the allegations of fraud, cheating, impersonation ought to be proved beyond any pale of doubt before the competent forum and in the absence thereof, no action is permissible against the Registering Authority in view of the statutory protection provided under Section 86 for the official duties performed in good faith.

16. Referring to Rule 54 and Rule 55 of the Registration Rules, the said Rules contemplate the procedures to be followed before the Registration. Chapter XI with reference to Section 35 of the Registration Act, 1908 contemplates the procedures on admission and denial of execution of the documents. Rule 54 and Rule 55 of the Registration Rules, 1908 deal with



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“Enquiry before registration”. Therefore, the said Rules empower the

Registering Authority to verify the document, identity etc., before the registration of documents. However, the said Rules are of no avail to the Appellant/Petitioner herein since the Sale Deed had been registered and thereafter the Appellant/Petitioner came to know that her property was alienated through alleged impersonation.

17. Once a document is presented before the Registering Authority, and the Authority if find any irregularities/illegalities, powers are vested under the Act for initiation of action.

18. Therefore, in normal circumstances, documents once registered and released by the Registering Authority, and if any person aggrieved from and out of such registration on account of impersonation, fraud etc., he has to approach the competent civil Court for cancellation of the documents/instruments or to prosecute the offenders under the criminal law by following the procedures as contemplated. The enquiry to be conducted by the Registering Authority or the District Registrar or the Inspector General of Registration as the case may be confined with reference to the procedures to be followed and in the context and scope of the Registration Act, 1908, Rules and certainly not beyond that.

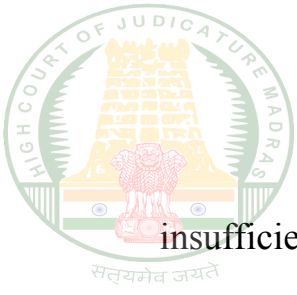


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19. Senior Counsel for the Appellant/Petitioner states that approaching the civil Court or prosecuting the offenders under criminal law would be a cumbersome process and it will take a long time, and the aggrieved person has to wait for long years. However, this Court cannot go beyond the scope of the Registration Act, since in such matters, the allegations of impersonation and forgery ought to be established based on documents and evidence, including oral evidence.

20. No doubt an enquiry before registration under Rule 54 and Rule 55 of the Registration Rules is of paramount importance and the Registering Authority is expected to be diligent and vigilant, while exercising the powers during the course of verification of the documents. In this regard, Section 13 of the Tamil Nadu General Clauses Act, 1891, denotes “when powers and duties to be exercised and performed”. It states that “where an Act confers a power or imposes a duty, then the power may be exercised and the duty shall be performed from time to time as occasion requires”.

21. In view of the discussions made above, this Court has arrived at an irresistible conclusion that the grounds raised in the present Writ Appeal are



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insufficient for the purpose of considering the relief sought for in the Writ

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Petition as well as in the present Writ Appeal. Consequently, the Writ Order stands confirmed and the Writ Appeal is dismissed. However, the Appellant/Petitioner is at liberty to work out her remedy before the competent Court of law. No costs. Connected Miscellaneous Petition is closed.

[S.M.S., J.]

[C.S.N., J.]

04.09.2025

Neutral Citation : Yes / No

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To:

The District Registrar,
Registrar Office,
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S.M.SUBRAMANIAM, J.
and
C.SARAVANAN, J.

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