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W.P.No. 7115 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.09.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.7115 of 2024

S.RAMESH
S/O SIVALOGAM

...Petitioner

Vs.

1 THE INSPECTOR GENERAL OF REGISTRATION
SANTHOME HIGH ROAD, CHENANI 600 028.

2 THE DISTRICT REGISTRAR
O/O DISTRICT REGISTRAR OFFICE
47/8 WEST TAMBARAM,TAMBARAM,
CHENNAI 600 045

3 THE SUB REGISTRAR
O/O SUB REGISTRAR,
PALLAVARAM, NO. 7, 2ND MAIN ROAD,
NEW COLONY, CHROMEET CHENNAI 600 044

4 S.SOUNDARARAJAN
S/O SUBBIAH, NO.5, NAVALAR STREET
DEVARAJA NAGAR, SALIGRAMAM
CHENNAI 600 093.

...Respondents

R-4 and R-5 were deleted as per order passed in
W.P. dated 19.03.2024.



W.P.No. 7115 of 2024

Prayer

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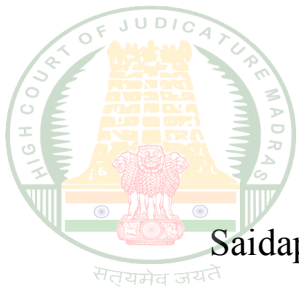
Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to take steps and to pass appropriate orders on the representations dated 17.06.2023 within a time frame and to pass

For Petitioner : Mr.N.Srinivasan
For Respondents 1 to 3 : Mr.P.Harish
Government Advocate (T)
For Respondent –4 : Notice not ready

Order

The prayer, in this Petition is for issuance of a Writ, in the nature of mandamus, directing the second respondent to take steps and to pass appropriate orders on the representation of the petitioner's dated 17.06.2023 within a time frame.

2. Mr.N.Srinivasan, learned counsel appearing for the petitioner would submit that the petitioner's father had passed away in the year 1995, leaving behind him, the petitioner and his sister as the legal heirs; that the petitioner's father, during his life-time had purchased a property situated at



W.P.No. 7115 of 2024

Saidapet Taluk, Chengalpattu District; that since the petitioner's father died

intestate, leaving no Will, the petitioner and his sister have vested right over the property and the petitioner's sister also executed a Release Deed dated 03.07.2023 in favour of the petitioner, and therefore, the petitioner is the absolute owner of the property; that, the petitioner, to his shock and surprise, came to know that through the neighbours that one Karthick, a buyer from Chennai is intending to purchase the property, which was inherited by the petitioner, hence, the petitioner contacted the said buyer, who provided the Encumbrance Certificate of the property, wherein, the petitioner noticed that a forged Power of Attorney was executed on 25.03.2023, as if, the petitioner's father has executed the subject property in favour of the fourth respondent, and by virtue of the said Power of Attorney, the fourth respondent was intending to sell the property to the aforesaid buyer, viz., Karthick.

2.1 It is further submitted by the learned counsel for the petitioner that when the petitioner's father died in the year 1995 itself and when the Tahsildar, Thanjavur also issued a Death Certificate in that regard, there is



W.P.No. 7115 of 2024

no possibility for execution of any Power of Attorney in favour of the fourth respondent, which was alleged to have been executed by the petitioner's father in the year, 2023 (i.e. on 25.03.2023); that therefore, the petitioner setting out all such entire facts made a complaint as well as representation to the respondent concerned for taking appropriate action against the fourth respondent and also to stop further encumbrances on the basis of the forged Power of Attorney; that since the petitioner is residing at U.S.A, the petitioner was not able to follow the issue in person, hence, the petitioner visited India on 04.03.2024 and contacted all the respondents, however, no proper reply was forthcoming from them, which necessitated the petitioner to approach this Court by way of present Writ Petition seeing for the aforesaid relief.

2.3 It is the main contention of the learned counsel for the petitioner that the fourth respondent by playing fraud, maneuvered to obtain a forged Aadhaar Card in the name of the petitioner's father, Sivalogam, and by forging the signature of the petitioner's father, created a forged Power of Attorney in his favour, which has to be necessarily cancelled. It is further



W.P.No. 7115 of 2024

contended by the learned counsel for the petitioner that the enrollment and updation of Aadhaar Card by the residents of Tamil Nadu was launched only in the year 2014, whereas, the petitioner's father died in the year 1995, therefore, the petitioner's father obviously would not have possessed the Aadhar Card, during the said period, but, fourth respondent impersonated himself, as if, he is Sivalogam, and obtained a Aadhaar Card in his name and misusing the signature of the petitioner's father, executed the forged Power of Attorney, which act, is highly reprehensible, and hence, the learned counsel prays for appropriate orders.

3. The learned Government Advocate for respondents 1 to 3 while reiterating the averments set out in the counter affidavit, particularly, Para Nos.4, 5 and 6 would submit that the contention of the petitioner though remains to be genuine, however, in view of the order of stay granted by the Hon'ble Court for cancellation of documents presented as per Section 77 (A) of the Act, the District Registrar is the competent Authority to verify the documents for cancellation, accordingly, the respondents on verification of the documents found that there were no documents that got registered with



W.P.No. 7115 of 2024

regard to the petitioner's father property. However, the learned Government

Advocate would fairly submit that if the respondents comes to know any settlement of property took place on the basis of the said forged Power of Attorney, the respondents-Authorities would act in accordance with law, in the light of the law laid down by the Hon'ble Supreme Court in the decision reported in **2022 8 S.C.C. 210** in the case of **Asset Reconstruction Company (India) Vs. S.P.Velayutham and others** and therefore, seeks for appropriate orders in that regard.

4. I have given due considerations to the submissions made by the learned counsel for the petitioner and the learned Government Advocate for respondents 1 to 3. So far as the respondent No.4 is concerned, though notice was served, the same returned with an endorsement, " No such Person". on either side and perused the materials available on record.

5. The petitioner's father, one Sivalogam, died intestate on 17.07.1995, leaving behind him, the petitioner and his sister as his legal heirs. The petitioner's father during his lifetime had purchased a property,



W.P.No. 7115 of 2024

being a vacant land through TNPL Employees Housing Association and continued possession without encumbrances. However, the fourth respondent has impersonated himself as the petitioner's father, Sivalogam and manoeuvred to obtain Aadhaar Card in the name of the petitioner's father and created a forged Power of Attorney, as if, the petitioner's father has executed the property in favour of the fourth respondent on 25.03.2023 and by virtue of the said forged Power of Attorney, claims himself to be the absolute owner and is now attempting to alienate the property in favour of one Karthick.

6. It is the main contention of the learned counsel for the petitioner the insistence for enrollment and updation of Aadhaar Card for the residents came into existence only in the year 2014, there is no possibility for possession of Aadhaar Card by the petitioner's father. While that being so, the fourth respondent, Soundarajan by playing fraud, maneuvered to obtain a Aadhaar Card by impersonating himself as Sivalogam and forging the signature of the petitioner's father, created a Power of Attorney, as if, the said Sivalogam has executed such Power of Attorney in his favour.



W.P.No. 7115 of 2024

7. In the given context of the case, this Court is of the view that it

would be apposite to refer to a decision rendered by the Hon'ble Supreme Court in the case of **S.P.Velayutham (cited supra)**, wherein, it is held as under:-

" In suits for declaration of title and/or suits for declaration that a registered document is null and void, all the aforesaid three steps which comprise the entire process of execution and registration come under challenge. If a party questions the very execution of a document or the right and title of a person to execute a document and present it for registration, his remedy will only be to go to the civil court. But where a party questions only the failure of the Registering Authority to perform his statutory duties in the course of the third step, it cannot be said that the jurisdiction of the High Court under [Article 226](#) stands completely ousted. This is for the reason that the writ jurisdiction of the High Court is to ensure that statutory authorities perform their duties within the bounds of law.



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W.P.No. 7115 of 2024

58. It must be noted that when a High Court, in exercise of its jurisdiction under [Article 226](#) finds that there was utter failure on the part of the Registering Authority to stick to the mandate of law, the Court merely cancels the act of registration, but does not declare the very execution of the document to be null and void. A declaration that a document is null and void, is exclusively within the domain of the civil court, but it does not mean that the High Court cannot examine the question whether or not the Registering Authority performed his statutory duties in the manner prescribed by law.

59. It is well settled that if something is required by law to be done in a particular manner, it shall be done only in that manner and not otherwise. Examining whether the Registering Authority did something in the manner required by law or otherwise, is certainly within the jurisdiction of the High Court under [Article 226](#). However, it is needless to say that the High Courts may refuse to exercise jurisdiction in cases where the violations of procedure on the part of the Registering Authority are not gross or the violations do not shock the conscience of the Court. Lack of jurisdiction is completely different from a refusal to exercise jurisdiction."



W.P.No. 7115 of 2024

8. Thus, a perusal of the above judgement makes it clear that if any

document was executed by forgery or impersonation, the same shall be declared as null and void and cancelled by the High Court by invoking power conferred under Article 226 of the Constitution. It is further held in the said decision that a High Court, under its [Article 226](#) writ jurisdiction, can investigate and correct procedural failures by registering authorities under the Registration Act, 1908, but the cancellation of a sale deed is the exclusive domain of a civil court.

9. Thus, in the light of law laid down by the Hon'ble Supreme Court, in the decision referred to supra, this Court is inclined to cancel the registration of the Power of Attorney alleged to have been executed by the petitioner's father (since deceased) in favour of the fourth respondent dated 25.03.2023 on the file of the Sub Registrar Officer, Pallavaram, inasmuch as, the said document was got executed by act of playing fraud, forgery and fabrication of documents on the part of the fourth respondent. Hence, the third respondent is directed to take necessary steps with regard to the cancellation of all records pertaining the registration of the forged Power of



W.P.No. 7115 of 2024

Attorney which was cancelled by this Court and shall make necessary mutation in that regard in the revenue records.

10. With the above observation and direction, the Writ Petition stands disposed of. No costs.

03.09.2025

sd

Index : yes/no

Neutral Citation : yes/no

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W.P.No. 7115 of 2024

Krishnan Ramasamy,J.,

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W.P.No.7115 of 2024

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