



W.P.No.31697 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.31697 of 2025

P.Velu

...Petitioner

Vs.

1. The District Collector,
Chengalpattu District, Chengalpattu.
2. The District Registrar,
District Registration Office
Chengalpattu District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Madurantakam, Chengalpattu District.
4. The Tahsildar,
Madurantakam Taluk Office,
Madurantakam, Chengalpattu District.
5. The Sub-Registrar,
Madurantakam, Chengalpattu District.
6. Syed Ariff
7. Syed Ajim
8. Syed Hussain
9. T.M.Thiyagarajan.
- 10.**

...Respondents



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Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records on the file of the fifth respondent in connection with the impugned order passed by the fifth respondent, in his proceedings Na.Ka.No.239/2024 dated 27.09.2024 and to quash the same and consequently, to direct the respondents 1 to 5 cancel the sale deed 10.11.2017 bearing Document No.3256/2017 on the file of the SRO, Madurantakam, executed fraudulently by the sixth respondent and also to initiate prosecution against the respondents 6 to 8 under the provisions of Registration Act.

For Petitioner : Mr.M.Gopu

For Respondents 1 to 5 : Mr.P.Harish
Government Advocate

For Respondents 6 to 9 : Service awaited

Order

The challenge in this Writ Petition is to the order passed by the fifth respondent dated 27.09.2024 and to quash the same and consequently, to direct the respondents 1 to 5 to cancel the sale deed 10.11.2017 executed fraudulently by the sixth respondent and also to initiate prosecution against the respondents 6 to 8 under the provisions of Registration Act.



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2. Learned counsel for the petitioner would submit that the sixth respondent has executed an Agreement of Sale in favour of the petitioner dated 27.03.2015, for which, the petitioner has paid entire sale consideration, and the sixth respondent instead of executing the sale deed in favour of the petitioner, has indulged in fraud and executed a sale deed in favour of the ninth respondent in respect of the very same property, which is covered in the sale deed dated 27.03.2015; that therefore, the petitioner has made a representation to the respondents 1 to 5 seeking to cancel the sale deed dated 10.11.2017; that but the fifth respondent, instead of cancelling the forged sale deed dated 10.11.2017, in his proceedings dated 27.09.2024 has advised the petitioner to approach the Civil Court or Criminal Court seeking necessary redressal and challenging the said proceedings, the present Writ Petition is filed.

3. The learned Special Government Pleader (T) for the respondents 1 to 5 justified the reply given by the fifth respondent by contending that if it is the case of the petitioner that the respondent No.6 failed to come forward and execute the Agreement of Sale dated 27.03.2015 in favour of the



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petitioner and behind his back, executed a sale deed in respect of the very same property in favour of the respondent No.9, by means of fraud or forgery, breach of trust, the petitioner has to workout his remedy by approaching the Civil Court and establish his right over the subject property or if it is case of the petitioner that the sixth respondent has created bogus life certificate of his mother, he has to approach the Criminal Court, and the petitioner cannot find fault with the impugned proceedings of the fifth respondent.

4. Heard Mr.M.Gopu, learned counsel appearing for the petitioner and Mr.P.Harish, learned Government Advocate for the respondents 1 to 5 and perused the materials placed on record.

5. It is the case of the petitioner that the sixth respondent has entered into an Agreement of Sale with the petitioner dated 27.03.2015 in respect of a property situated at Karunkuzhi Village, Madurantakam Taluk, Chengalpattu, and the petitioner has paid sum of Rs.8,00,000/- towards advance, pursuant to which, the sixth respondent has handed over all the



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documents, viz., the Parent Documents relating to the title deeds etc. to the petitioner. Later, the petitioner also stated to have paid entire sale consideration. However, the sixth respondent has never turned up to perform his part of the contract by executing the sale deed in favour of the petitioner and whenever, the petitioner approaches the sixth respondent for execution of the sale agreement, the sixth respondent under some pretext or other, never come forward to execute the sale agreement dated 27.03.2015, which sowed doubts in the minds of the petitioner and when the petitioner obtained encumbrance certificate in respect of the subject property on 26.04.2023, he found that the already the sixth respondent has executed a sale deed in favour of the ninth respondent on 10.11.2017. Therefore, the petitioner, setting out all such facts made a representation to the Official respondents dated 10.09.2024 requesting them to cancel the sale deed dated 10.11.2017. However, the petitioner has been advised by the fifth respondent vide reply dated 27.09.2024 (impugned herein) to approach either Civil Court or Criminal Court seeking appropriate remedy.



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6. However, this Court is of the view that, when it is the case of the petitioner that the sixth respondent by playing fraud, forgery, and fabrication of documents has executed the sale deed dated 10.11.2017 in favour of the ninth respondent and same has been brought to the notice of the Sub Registrar, in terms of Section 83 of the Registration Act, the Sub-Registrar is bound to conduct an enquiry as regards the veracity of documents, viz., i) the Life Certificate of the sixth respondent's mother issued by the Medical Officer, Madurantakam dated 08.11.2017 and ii) Original Title Deeds Missing Certificate issued by the Madurantakam Police Station, inasmuch as, it is the contention of the petitioner, the sixth respondent's mother, Sabeera Beebi died as early as on 30.12.2016, whereas, Life Certificate of Sabeera Beebi produced by the sixth respondent dated 08.11.2017, shows as if, she was alive as on the date of issuance of the Life Certificate. Similarly, it is the claim of the petitioner that when the agreement of sale dated 27.03.2015 was entered into between the sixth respondent and the petitioner, the sixth respondent has handed over all the original documents, viz., the parent documents related to the title deeds in



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respect of the subject property to the petitioner, however, at the time of the execution of the sale deed dated 10.11.2017 executed in favour of the ninth respondent, the original title deeds missing certificate received from Maduranthakam Police Station was produced before the Sub Registrar Office and the sale deed was got registered.

6.1 Thus, as pointed out in the preceding para, when certain fraud, forgery and fabrication was alleged to have done at the instigation of sixth respondent at the time of execution of the sale deed dated 10.11.2017 and when the same is brought to the notice of the Registering Authority, by whomsoever, (petitioner in this case) the Registering Authority is certainly bound to verify into aspects of such fraudulent transaction that took place at the time of execution of the sale deed by conducting proper enquiry and in the event, such allegation is found to be true, the Registering Authority has to take appropriate action in terms of Section 83 of the Registration Act, after putting on notice to the parties concerned. Whereas, in the present case, the fifth respondent has merely advised the petitioner to approach Civil Court or Criminal Court and workout his remedy, which is not proper.



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6.2 Thus, in the light of the above, this Court directs the respondent concerned to take appropriate action on the representation made by the petitioner in terms of Section 83 of the Registration Act, by conducting proper enquiry into the allegation putforth by the petitioner after due notice to both the parties and verify the genuineness of the documents produced by the sixth respondent at the time of execution of the sale deed dated 10.11.2017 and in the event, if the case of the petitioner is found to be true, shall initiate criminal action against the sixth respondent for having indulged in such fraudulent acts.

7. With the above observations, this Writ Petition is disposed of.
No costs.

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sd

Index : yes/no



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Krishnan Ramasamy,J.,

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