



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3007 of 2025

T.Shanthi

... Petitioner

Vs.

1.The District Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
District Crime Branch,
Cuddalore District,
Cuddalore.

3.The Inspector General of Inspection,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai.

4.The District Registrar,
Chidambaram.

5.The Sub Registrar,
Kattumannarkovil,
Cuddalore District,
Cuddalore.

6.Kamalarajan



7.Sivakumar

8.Bagavadsingh

9.S.Ramu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue judgement and decree said to have been delivered on 29.10.2004 in OS.No.625 of 1994 to the petitioner immediately.

For Petitioner : Mr.A.Murthy
For Respondents : Mr.V.J.Priyadarsanan
Government Advocate for R1 and R2
Mr.B.Vijay
Additional Government Pleader
R3 to for R5

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 3rd and 4th respondents to initiate the disciplinary proceedings and criminal proceedings against respondents 5 to 9 for misconduct committed while registering the Mortgage Deed Document No.2732 of 2022 dated 05.08.2022.

2.When the matter came up for hearing on 21.02.2025, this Court passed the following order:



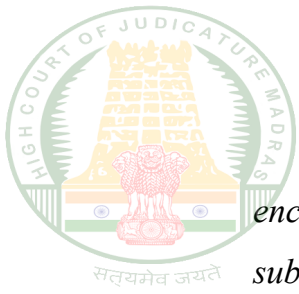
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This writ petition has been filed for a direction to the 3rd and 4th respondents to initiate disciplinary action and to initiate criminal proceedings against respondents 5 to 9 based on the representation made by the petitioner.

2.The grievance of the petitioner is that the petitioner along with one Tevar who is the husband of the petitioner availed a loan from the 6th respondent to the tune of Rs.2,00,000/-. A mortgage deed was also executed dated 05.08.2022 for the said amount. This document was registered as Document No.2732 of 2022 on the file of the 5th respondent. Whereas while obtaining the certified copy, it was found that the mortgage amount is mentioned as Rs.4,00,000/- instead of Rs.2,00,000/-. Therefore according to the petitioner, there is manipulation of document with the help of the Sub Registrar. Hence, the petitioner made a representation seeking for taking action against respondents 5 to 9.

3.Considering the seriousness of the allegation made by the petitioner, this Court directed the learned Special Government Pleader to take instructions.

4.The learned Special Government Pleader produced the certified copy of the document registered as Document No.2732 of 2022, on the file of the 5th respondent and also the encumbrance certificate dated 03.02.2025. The learned Special Government Pleader submitted that the document as found from page 30 onwards in the typed set of papers is the genuine document in this case which is reflected in the certified copy and the



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encumbrance certificate that has been produced before this Court. It was submitted that the document that was relied upon by the petitioner and which is found at page No.17 of the typed set of papers is a questionable document and it is for the petitioner to explain as to who gave the document to the petitioner.

5.The learned counsel for the petitioner submitted that the mortgage was executed in favour of the 6th respondent and it is the 6th respondent who had given the copy of the document found at page No.17 of the typed set of papers.

6.The learned Additional Government Pleader who takes notice for the 1st and 2nd respondents shall direct the 2nd respondent to produce the 6th respondent before this Court along with the original document during the next date of hearing.

7.Post this writ petition at the end of the motion list on 03.03.2025.

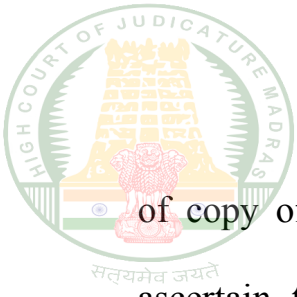
3.When the matter was taken up for hearing today, the Inspector of Police, District Crime Branch produced the 6th respondent before this Court along with the original Mortgage Deed which was registered as Document No.2732 of 2022. On going through the same, it is quite evident that the original Mortgage Deed tallies with the certified copy of the Mortgage Deed that is found at Page No.30 onwards in the typed set of papers.



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4. It is quite evident that there is no discrepancy insofar as the Mortgage Deed that was registered as Document No.2732 of 2022 and it shows that the mortgage was created towards the loan amount of Rs.4 Lakhs. In view of the same, it is for the petitioner to explain as to how the petitioner came in possession of the Mortgage Deed that is found at Page No.17 of the typed set of papers which shows that the mortgage was executed for taking the loan to the tune of Rs.2 Lakhs. This is in view of the fact that the certified copy that was produced by the learned Special Government Pleader during the previous hearing on 22.01.2025 tallies with the original document that has been produced before this Court today by the 6th respondent who was produced before this Court by the 2nd respondent. Obviously, the document that is found at Page No.17 of the typed set of papers filed by the petitioner is a fabricated document and it necessarily requires enquiry/investigation.

5. In view of the above, an FIR has to be registered since the document that is found at Page No.17 of the typed set of papers is *prima facie* found to be a fabricated and forged document. Hence, the 2nd respondent shall register an FIR by incorporating necessary provisions under the BNS Act and this process shall be completed by the 2nd respondent, within a period of one week from the date of receipt



of copy of this order. The investigation shall go on and the 2nd respondent shall ascertain the source through which this forged document was created and take appropriate action against the accused persons. While registering the FIR, let it be registered against unknown accused person and the accused person shall be ascertained in the course of investigation and thereafter his/her name shall be added in the FIR by means of an alteration report. If in the course of investigation, it comes to light that any official belonging to the Registration Department is also involved, they also shall be made as an accused and in which event the disciplinary proceedings can be initiated.

6.This writ petition is disposed of with the above directions. No Costs.

03.03.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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Cuddalore District.



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N. ANAND VENKATESH, J.

SSR

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