



W.P.(MD).No.4758 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.02.2025

CORAM

**THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.4758 of 2025  
and  
W.M.P.(MD).No.3708 of 2025

Nagappan

.. Petitioner

Vs.

1.The District Registrar,  
Office of the District Registrar,  
Muthupattinam,  
Karaikudi Town,  
Sivagangai District.

2.The Joint Sub Registrar,  
Sub Registration Office,  
Joint No.2,  
Karaikudi,  
Sivagangai District.

3.Umayaal

4.Abirami

5.Chittal

6.Perumal

7.Murali

... Respondents



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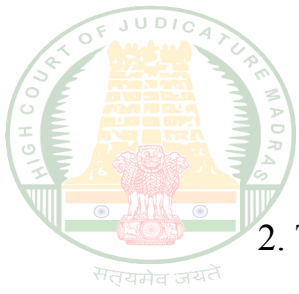
**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents 1 and 2 herein to make endorsement in Document No.27 of 2025 dated 07.01.2025 as fraudulent document and initiate criminal prosecution as against respondents 3 to 7 herein under Section 83 of Tamil Nadu Registration Act and consequently forbear the 1<sup>st</sup> and 2<sup>nd</sup> respondents from entertaining any document based on document No.27 of 2025 dated 07.01.2025 in respect of property in SF Nos.65/1 and 65/2 corresponding New SF Nos.308/2 and 308/3 situated at Kalanivasal Village, Sankarapuram Panchayat, Sakkottai Union, Karaikudi Taluk, Sivagangai District pending disposal of R.A.No.1/2021 on the file of Inam Abolition Tribunal, Sub Court, Sivagangai, by considering petitioner's objection dated 14.02.2025.

For Petitioner : Mr.P.T.S.Narendravasan  
for Mr.A,Arul Jenifer

For R-1 & R-2 : Mr.P.T.Thiraviam  
Government Advocate

### **ORDER**

The petitioner seeks a Writ of Mandamus to direct the respondents 1 and 2 to make an endorsement in Document No.27/2025 dated 07.01.2025 as fraudulent and to further initiate criminal prosecution against the respondents 3 to 7 under Section 83 of the Registration Act of 1908.



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2. The case of the petitioner is that he succeeded in obtaining a patta from the Assistant Settlement Officer in the year 1983. On appeal, the Inam Abolition Tribunal cum Subordinate Court at Sivagangai allowed the appeal and remanded the matter for fresh consideration. Aggrieved by the same, a further appeal was preferred to this Court in S.T.A.(MD).No.1 of 2005. This Court agreed with the petitioner, allowed the appeal by setting aside the award of the Inam Abolition Tribunal and remitted the matter before the Assistant Settlement Officer.

3. The Assistant Settlement Officer, after enquiry, passed an order on 25.02.2021, holding that the petitioner and her sister were in possession of the property on the notified date and therefore, entitled to patta. It is conceded in the affidavit that this order has not become final and is subject matter of appeal before the Inam Abolition Tribunal cum Subordinate Court at Sivagangai in R.A.No.1 of 2021. It is also stated that the third respondent herein is claiming right, title and interest over the property, over which, the writ petitioner is also staking a claim.

4. According to the petitioner, the respondents 3 to 5 have registered an agreement on 07.01.2025, despite the fact that they are aware that an appeal is



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pending in R.A.No.1 of 2021. Hence, the petitioner pleads that they have committed fraud, forgery and have indulged in all acts of criminal conspiracy.

Therefore, action should be taken against the Sub Registrar as well as against the respondents 3 to 7. He pleads he approached the respondents 1 and 2 by way of a representation dated 14.02.2025. As no action has been initiated, he has filed the present Writ Petition.

5. I heard Mr.P.T.S.Narendravasan for Mr.A.Arul Jenifer for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate for the respondents 1 and 2.

6. In order for a Mandamus to issue, the petitioner has to show that he has a right and the respondents have a corresponding duty to take action either under the Act or under the statutory rules empowering them to take action.

7. Mr.P.T.S.Narendravasan draws my attention to an opinion said to have been given by one Mr.C.Selvaraj, formerly, a Special Government Pleader attached to this Court, on 30.12.2024. He states that Mr.Selvaraj has signed as if he is a Special Government Pleader on that date when he was not so. He adds that this is a fraudulent act and therefore, relying upon Sections 82 and 83 of the



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Registration Act, he pleads that the respondents 1 and 2 owe a statutory duty to initiate action. He further points out that in terms of Rule 55 of the Registration Rules, the Sub Registrar cannot receive documents for the asking, but will have to conduct an enquiry as to whether the document comes within the teeth of Rule 55(b) and that not having been done, a Writ Petition is maintainable.

8. I have carefully considered the submissions of both sides.

9. I have stated supra that a Mandamus is not for the asking. The petitioner has to prove a right and a corresponding duty. Rule 55 of the Registration Rules deals with the case of forgery. It is not the case of the petitioner that the respondents 3 to 7 have forged his signature or someone's signature and have presented the document. Forgery implies when one person signs as if he is another and affixes the signature of the other.

10. A reading of the document, which has been placed in Page No.73 of the typed set of papers, shows that three persons have signed the document, namely, V.Umayal, V.Abirami and V.Chittu. They are the second parties to the agreement. The first parties to the agreement are Permal and Murali. No where in the document, they have signed representing as if they were someone else.

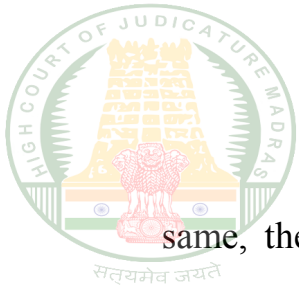


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They have presented the document claiming who they are. Hence, it is not an act of forgery. Therefore, Rule 55 is inapplicable.

11. With respect to Section 82(a) of the Registration Act, it relates to a false statement that is made in any enquiry or proceeding under the Act. The fact that an Advocate has represented that he is a Special Government Pleader and had signed the document, will not vitiate the document. At best, it is a projection by the Advocate, who has given the opinion that he is a Government Pleader. This cannot be led at the door steps of the respondents 3 to 7. In fact Mr.Selvaraj has not even been made as a party to the proceedings. Section 83 also relates to offences committed under the Act over which the Registrar is empowered to give complaints. As to what is the offence, that has been committed, is deliciously vague in the affidavit. In fact, the provision of law has also not been stated on the basis of which arguments were advanced before me. The fact that Mr.Selvaraj had projected himself as a Special Government Pleader in the year 2024 will not vitiate the agreement presented by the respondents 3 to 7.

12. More importantly, the affidavit concedes that the private respondents are staking a claim of title to the property. If the petitioner has any title to the



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same, the appropriate remedy is to file a suit before the jurisdictional Civil

Court. I am of the view when the respondents do not owe a statutory duty, there cannot be a direction to consider the representation. By way of a Mandamus, power cannot be conferred on the authority. A power not conferred by the statute, cannot be conferred through an order of the Court. Hence, I am not inclined to admit the Writ Petition.

13. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

**24.02.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
Lm

To

1. The District Registrar,  
Office of the District Registrar,  
Muthupattinam,  
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2. The Joint Sub Registrar,  
Sub Registration Office,  
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**V.LAKSHMINARAYANAN,J.**

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