



W.P(MD)No.5456 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5456 of 2025

M.Muthulakshmi

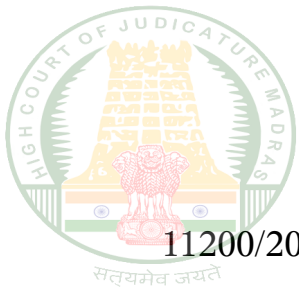
..Petitioner

Vs

- 1.The District Registrar,
Office of the District Registrar,
Palayamkottai,
Tirunelveli.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Kovilpattai,
Tuticorin District.
- 3.The Inspector General of Registration,
Office of the Registration Department,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai – 600 028.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 1st respondent to consider the representation dated 07.01.2025 for cancel the sale deed No.



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11200/2011, namely, Vengatasalapathy and Arockiyam sale deed No. 15622/2011, namely, Muniyammal sale deed No.4525/2013 namely, Thirumanipandiyan and sale Agreement deed No. 7359/2015, namely, Devaraj which is forgery documents created by them in Survey No. 58/1D Manthithoppu Village, Kovilpatti Taluk, Tuticorin District, along with remove their names from the Encumbrance Certificate within a time frame.

For Petitioner : Mr.A.Satheesh Murugan
For Respondents : Mr.N.Ramesh Arumugam
Govt. Advocate

ORDER

The petitioner seeks for issuance of a Writ of Mandamus to direct the first respondent to consider her representation dated 07.01.2025 for cancellation of the sale deed Nos.11200/2011, 15622/2011, 4525/2013 and sale Agreement deed No.7359/2015, which are forged documents, in Survey No. 58/1D, Manthithoppu Village, Kovilpatti Taluk, Tuticorin District.

2. The petitioner claims that she, along with her uncle, Late. Kasimani and Late. Kottursamy had purchased a property, to an extent of 83.5 cents, comprised in S.No.58/1 from one Nanammal. The document was registered on the file of the Sub Registrar at Kovilpatti in Doc. No.191/1997 on 22.01.1997. She pleads that one Venkatasalapathy and Arockiyam had created a document,

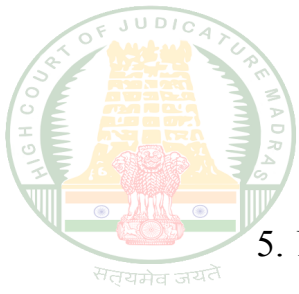


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over the said property, as if they had obtained the same from one Madathi, wife of Paramasivam. She alleges it was created by resorting to impersonation and forgery. She pleads that only when the revenue records were mutated, she came to know about the fraud that had been played on the Sub Registrar. Therefore, she approached the revenue authorities and got the mutation of revenue records cancelled. Subsequently, she lodged a complaint with the Inspector of Police, Land Grabbing Cell, Thoothukudi. The police also took it on file as Crime No. 9 of 2013 on 12.03.2013. As there was lethargy exhibited by the police officials, the petitioner moved this court and also obtained a direction to the police to file a final report.

3. The petitioner pleads that, in the meantime, as the documents are being created based on the 2011 documents, which are themselves forgeries, the petitioner gave an objection to the first respondent to cancel the documents. As no positive response was received from the authorities, she has come forward with this writ petition.

4. Heard Mr.A.Satheesh Murugan, for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents.



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5. Narration of the facts shows that the case of the petitioner is that the documents Nos.11200/2011, 15622/2011, 4525/2013, and 7359/2015 on the file of the Sub Registrar, Kovilpatti, are acts of forgery and impersonation. Though the respondents were empowered under Section 77A to conduct an enquiry and pass orders as regards such a document, a Division Bench of this Court in **M.Kathirvel vs. Inspector General of Registration and others** reported in **2024(4) CTC 769**, has declared Section 77A of the Registration Act as unconstitutional. As of now, there is no provision which empowers the respondents 1 and 2 to pass orders declaring the documents to be forgeries or tainted by impersonation. When the power has been taken away from the respondents 1 and 2, there cannot be a Mandamus directing them to exercise the power under the provision, which has already been declared as unconstitutional. The appropriate remedy for the petitioner is to approach the jurisdictional civil court.

6. Leaving that remedy open to the petitioner, this writ petition is dismissed. No costs.

28.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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V.LAKSHMINARAYANAN, J.

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