IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.02.2026
PRONOUNCED ON : 9.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.26296 of 2024 and
Crl.M.P.No.14606 of 2024

B.Sivapriya, aged 47 years,
Wife of S.Vijaya Baskaran,
Residing at Flat No.A-2,
Ambigai Flats,
No.10, Arundale Street, Mylapore,
Chennai-600 004. ... Petitioner

Vs.

State of Tamil Nadu,
Represented by The Additional Superintendent of Police,
City Special Unit-III,
Vigilance and Anti Corruption,
Alandur,
Chennai-600016. ... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the proceedings in C.C.No.5 of 2023, on the file of the Special Court for cases under Prevention of Corruption Act, Chennai and quash the same as illegal and without jurisdiction and for consequential orders.

For Petitioner	:	Mr.Sharath Chandran for Mr.R.Harikrishnan
For Respondent	:	Mr.S.Udayakumar, Government Advocate (Crl. Side)

ORDER

The petitioner/A1 in C.C.No.5 of 2023 facing trial for offence under Sections 120-B, 419, 420, 465, 467, 468, 471 & 109 IPC and Section 13(2) r/w 13(1)(c) of Prevention of Corruption Act, 1988 before the trial learned Special Judge, Special Court for cases under Prevention of Corruption Act, 1988, Chennai (trial Court), has filed this Quash Petition.

2.Gist of case is that the petitioner, in the cadre of District Registrar, served as Sub Registrar Joint-I, Saidapet, Chennai from 16.07.2014 to 01.08.2017. In respect of the property situated in survey Nos.211/13, 211/14 and 211/15 and town survey Nos.174/1 and 174/2 altogether to the extent of 37 1/2 grounds (2 Acres and 3 Cents) located at Valmiki Nagar, Thiruvanmiyur village, Chennai, the revenue records stands in the name of Lalitha Bhandari, her daughters *viz.,* Saraswathi Bhandari, Sumithra Bhandari, Geetha Bhandari and Vimala Bhandari *vide* document No.4750 of 1960. This being so, in the year 2001, there was creation and fabrication of documents by impersonation. In the year 2001, a power of attorney deed registered *vide* document No.50 of

2001 in favour of Parthasarathy and again in the year 2007, the same property was dealt by one I.R.Vimalraj and R.Vijaykumar claiming to be legal heirs of Lalitha Bhandari and executed sale deed in document No.201 of 2007 in favour of G.V.N.Mohanraj on 03.03.2007. The said G.V.N.Mohanraj executed mortgage deed in favour of M/s.Future of Metals Private Limited *vide* document No.2009 of 2007. Again on 26.11.2009, Parthasarathy using the forged power of attorney, mortgaged the property with one G.K.Centhilkumar *vide* document No.5937 of 2009. On 20.12.2010 by impersonating himself as G.K.Centhilkumar registered a document No.9699 of 2010. All the documents registered with Joint-I Sub Registrar Office, Saidapet. The property involved in respect of above said documents are one and the same. Hence, criminal cases registered against Pappathiammal impersonated as S.Vimala, R.Rajendra Mull, Kurialose Mathew, P.Seenu and Kothandaraman impersonated as Parthasarathy by the Central Crime Branch, Chennai in Crime No.569 of 2011 for offence under Sections 419, 465, 467, 468, 471 & 420 r/w 34 of IPC and another case in Crime No.90 of 2012 for offence under Sections 420, 467, 468, 471 r/w 34 and 120-B IPC. Similarly yet another case in Crime No.13 of 2017 for offence under Sections 419, 465, 467, 468, 420 & 120-B IPC registered.

3.In the meanwhile, Lalitha Bhandari and her legal heirs filed civil suit before the City Civil Court in O.S.No.4897 of 2013 to declare the forged documents as null and void and to remove the encumbrance created on the property. The City Civil Court by judgment dated 21.12.2017 had set aside the forged documents and declared the forged documents as null and void. Based on the civil Court judgment, the Inspector General of Registration issued circular to the Sub Registrars to verify the title deed, encumbrance certificate, patta and other property documents with regard to the petitioner's role in collusion with A2. On verification, it was found that the petitioner as Sub Registrar not insisted A2, Impersonator of S.Vimala to produce the encumbrance certificate for the property knowing very well that the purpose of verification is to avoid fraudulent registration and also not confirmed the rights of the Executant over the property. Added to it, the legal heirs certificates produced along with the document not verified. Further there was nothing to show that the original document No.4750 of 1960 produced. Thus, the petitioner acted in violation of the directions of law knowing well that A2 had impersonated S.Vimala having no right over the property for the documents presented before her and thereby cancelled the power of attorney document No.50 of 2001 by document No.933 of 2016 and executed a new power of attorney in document No.934 of 2016 by A2 favouring Kurialose Mathew.

Hence, FIR in Crime No.2/AC/2018/CC-I dated 15.02.2018 registered against the petitioner and A2 for offence under Sections 120-B, 419, 420, 465, 467, 468, 471 & 109 IPC and Section 13(2) r/w 13(1)(c) of Prevention of Corruption Act, 1988. On conclusion of investigation, charge sheet filed before the trial Court listing LW1 to LW19 annexing documents LD1 to LD21.

4.Learned Counsel for the petitioner submitted that as per charge sheet, specific overtact against the petitioner is that petitioner failed to insist A2 to produce encumbrance certificate prior to registration of document Nos.933 & 934 of 2016. Further the petitioner not confirmed rights of the Executant of property and also not confirmed the genuineness of the legal heir certificate attached with the document by A2 and not followed the circular issued by the Inspector General of Registration to verify the title deed, encumbrance certificate, patta and other property documents. Thus, the petitioner in collusion with A2 fraudulently registered the documents Nos.933 & 934 of 2016 on 29.01.2016.

5.Learned counsel further submitted that this case is a part of a wider witch hunt against the petitioner as she was whistleblower in Pallikaranai Marshland scam case. Similarly, FIRs registered against the petitioner in

Crime No.2967 of 2017 and Crime No.15 of 2018 by the Inspector of Police, Pallikaranai Police Station and the Inspector of Police, CCB, Team XV, Vepery respectively. Challenging the FIRs, the petitioner filed quash petitions in Crl.O.P.Nos.9103 & 9656 of 2018 and this Court by common order dated 24.01.2022 quashed the FIRs on the ground that the duty of the registration officer is to make a primary enquiry and that when the person presenting the document satisfies certain criteria as required under the Registration Act and Rules, the Registering Authority has no other option except to register the document. Similarly, in two other FIRs registered against the petitioner in Crime No.294 of 2018 on 12.07.2018 and Crime No.69 of 2014 on 30.01.2014, the Central Crime Branch-I, Chennai filed negative final report on conclusion of investigation.

6.He further submitted that the Inspector General of Registration initiated disciplinary proceedings against the petitioner in the year 2018 on the same allegation and dismissed her from the service. The order of dismissal from service quashed by this Court on 08.03.2024 in W.P.No.22003 of 2023 and the same challenged by the Registration Department before the Hon'ble Division Bench of this Court. The Hon'ble Division Bench of this Court by judgment dated 13.10.2025 in W.A.No.1801 of 2024 upheld the order in

W.P.No.22003 of 2023. In this background, it is seen that FIR in Crime No.2/AC/2018/CC-I dated 15.02.2018 registered by the respondent on its own that the petitioner, in collusion with the impersonator A2, cancelled the power of attorney document No.50 of 2001 by document No.933 of 2016 and executed a new power of attorney in document No.934 of 2016.

7.Learned counsel further submitted that in this case, the fabrication of all documents in respect of the property situated at Valmiki Nagar, Thiruvanmiyur village, Chennai started in the year 2001 itself and several sale deeds and mortgage deeds executed by S.Vimala in favour of Parthasarathy. One such document is the power of attorney bearing No.50 of 2001 executed by S.Vimala in favour of Parthasarathy. All documents now declared as null and void by the learned V Assistant Judge, Chennai in O.S.No.4897 of 2013. The allegation that the petitioner failed to verify the genuineness of the legal heir certificate is baseless. The said legal heir certificate was issued by the revenue authorities. Likewise, the death certificate produced along with the property documents verified by the petitioner before registration. The petitioner in Letter No.18287/Aa.Pa.Pi/2023-2 dated 11.10.2023 sought for the copy of document and copies of revenue records provided by the document holder in connection with document No.4750 of 1960 through RTI. The reply sent by the Registration Department on 25.10.2023 confirms that the petitioner followed the rules and verified the encumbrance certificate, death certificate, legal heir certificate, patta and other revenue records before registration. Learned counsel further submitted that in the departmental enquiry against the petitioner, a doubt caused whether these documents were verified before registration, but the documents received through RTI clearly confirmed the documents were verified by the petitioner. This being so, the question of failure to verify the genuineness of the documents does not arise. Learned counsel referred to "C-Section Remark No.12431/V3/2018" which was filed as additional document in W.P.No.19867 of 2024 by the Registration Department.

8.He further submitted that there is no iota of evidence to show that the petitioner had collusion, meeting of mind or understanding with A2 to commit any illegal act. The entire allegations are imaginary and baseless. Even in the statement of A2 recorded, she has not whispered anything against the petitioner. The petitioner examined and gave her explanation regarding the documents registered by her. In this case, the document Nos.933 & 934 of 2016 registered on 29.01.2016, three months thereafter, one Joel Singh, representing the owner of the property, made representation that S.Vimala was impersonated. Since the petitioner being Sub Registrar has no authority to cancel the document, she directed Joel Singh to approach the District Registrar. In the meanwhile, on 12.02.2016 the petitioner had written to the District Registrar informing about Joel Singh objections for registration of document Nos.933 & 934 of 2016 and she informed him to bring to the notice of the Civil Court. The petitioner recorded and informed two Assistant Inspector General of Registration demanding bribe to facilitate the wrongdoers. This caused annoyance to the officials, who ensured that the petitioner no longer raises any objections or complaints against the higher officials for their wrongdoings by initiating the present criminal prosecution against her. Based on the representation dated 12.06.2016, enquiry conducted by the Assistant Inspector General of Registration in File No.2554/A1/A3/2012 and gave report on 03.03.2016 directing the Joint-I Sub Registrar to take steps as per Sections 82 & 83 of Registration Act. When the petitioner examined, she gave all details regarding cancellation of document Nos.933 & 934 of 2016. As far as document No.934 of 2016 is concerned, after registration, no further document or any encumbrance created to the property in document No.4750 of 2016.

9.On a demerur, learned counsel for the petitioner submitted that if at all there was any violation of the circulars issued by the Registration Department, that would not warrant the prosecution of the petitioner in a criminal case. LW2/Personal Assistant to Inspector General of Registration and LW5/Assistant Inspector General of Registration in their statements referred to the circulars issued in Nos.18223/C1/2013-1 dated 08.11.2013, No.18339/C1/2012-1, dated 25.04.2012, No.42938/C1/2009-1 dated 29.10.2009 and No.42938/C1/2013-1 dated 18.12.2009. LW5/Assistant Inspector General of Registration in his statement referred to previous documents registered pertaining to document No.4750 of 1960, the sale deed in document No.201 of 2007, mortgage deed in document No.2009 of 2007, power of attorney document No.50 of 2001, another mortgage deed in document No.5937 of 2009 and 9699 of 2010. LW5 finding that these documents are forged documents, ordered proceedings to be initiated under Sections 82 & 83 of Registration Act. Further a record was directed to be made in the relevant register regarding the previous forged documents. As regards the petitioner is concerned, the petitioner only registered the power of attorney and not registered any sale deed or mortgage deed creating any lien or encumbrance over the property.

10.Learned counsel further submitted that the Additional Director General of Police (Law and Order) in D.O.Lr.Rc.No.173548/Crime-II(2)/2011 issued circular on 02.09.2011 to all Superintendents of Police, all Commissioner of Police, Additional Director General of Police, Crime Branch CID, Chennai and all Sections of Crime Wing stating that as per Rule 55 of Registration Act, the registering officer is not expected to verify the title of the person presenting a document for registration and Registration Rule 55 states that to enquire into the validity of document brought to the Sub-Registrar for registration does not form part of the registering officer's duty.

11.He further submitted that for the same allegation, FIR in Crime No.13 of 2017 registered against the impersonator S.Vimala, Kuriakose Mathew and others by the Central Crime Branch-I, Chennai for offence under Sections 419, 465, 467, 468, 420 & 120-B IPC with regard to the document Nos.933 & 934 of 2016 registered on 29.01.2016. This being so, culling out a portion of that investigation and proceeding against the petitioner by attributing criminal motive and conspiracy invoking the provision of Prevention of Corruption Act, 1988, is not sustainable. He further submitted that the petitioner roped in this case for the reason that the petitioner was a whistleblower in Pallikaranai marshland scam case. In fact the petitioner disclosed the names of the persons who are instrumental in registering the document in Pallikaranai marshland scam case. In this case, neither IPC offence nor the offence under the Prevention of Corruption Act, 1988, would get attracted. More so, Section 13(1)(c) of PC Act is only a public servant dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or any property under his control as a public servant or allows any other person to do so. In this case, there was no entrustment of any property to the petitioner, a public servant.

12.Learned counsel for the petitioner referred to the decision in ***K.S.Vijayendran v. Inspector General of Registration*** reported in ***2011 (2) L.W. 648*** for the legal proposition that the Sub Registrar is not concerned with the title of the executants of the documents. Referring to Rule 55 of Tamil Nadu Registration Rules, learned counsel submitted that it is not the duty of the registering officer to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document. As per Section 34(3) of Registration Act, 1908, it only requires to see whether or not such document was executed by the persons by whom it purports to have been executed and satisfy himself as to the identity of the persons appearing before him,

13.He further placed reliance on the decision in the case of ***N.Ramayee v. The Sub Registrar*** reported in ***(2020) 8 MLJ 305*** wherein this Court held that the Sub Registrar cannot go into the question of title. The Hon'ble Apex Court in ***SLP (Civil) No.4844 of 2021*** confirmed the said finding of this Court. Following this judgment, in exercise of power under Section 69(2) of Registration Act, 1908, Rule 55A inserted into the Registration Rules with effect from 05.09.2022. The purpose of introducing Rule 55A was to give wide powers to the Sub Registrar to refuse registration of document and also examine issues of title. He further placed reliance on the decision of this Court in ***Federal Bank v. Sub Registrar and Ors., reported in 2023 SCC OnLine Mad 878*** wherein this Court dealt with the first proviso to Rule 55A and held it to be invalid and *ultravires*. The issue attained finality in the case of ***K.Gopi v. The Sub Registrar and Ors.,*** reported in ***2025 SCC OnLine SC 740***, wherein the Hon'ble Apex Court held that the registering officer is not concerned with the title held by the executant and he has no adjudicatory power to decide whether the executant has any title. Further it had observed that the Sub Registrar or registering authority under the scheme of Registration Act, to ascertain whether the vendor has title to the property which he is seeking to transfer. Once the registering authority is satisfied that the parties to the document are present before him and the parties admit execution thereof before him, subject to making procedural compliances as narrated above, the document to be registered. Thus, this Court as well as the Hon'ble Apex Court defined the role of the registration authority namely Sub Registrar in registering the document.

14.Making the above submissions and relying upon the decisions of the Hon'ble Apex Court and this Court, learned counsel for the petitioner submitted that continuation of the case against the petitioner is nothing but an abuse of process of law and prayed for quashing.

15.Learned Government Advocate (Crl. Side) appearing for the respondent submitted that during the period between 16.07.2014 and 01.08.2017, the petitioner served as Sub Registrar Joint-I, Saidapet in the cadre of District Registrar, Chennai. Now the petitioner dismissed from the service *vide* G.O.Ms.No.65 Commercial Tax and Registration (H1) Department dated 26.06.2023 for various other allegations. With respect to the property situated in survey Nos.211/13, 211/14 & 211/15 and Town Survey Nos.174/1, 174/2 & 174/5 consisting of total extent of 37½ grounds (2 Acres and 3 cents) located at Valmiki Nagar, Thiruvanmiyur village, Chennai district, the Revenue records stand in the name of Lalitha Bhandari and her daughters Saraswathi Bhandari, Sumithra Bhandari, Geetha Bhandari and Vimala Bhandari *vide* document No.4750/1960 and till date the said property is in her name and in the names of her legal heirs and their possession. He further submitted that in the above said property, the offences of fabrication of document, creation of false documents and impersonation started in the year 2001 itself. On 24.01.2001, a power of attorney deed registered *vide* document No.50/2001 in favour of Parthasarathy. Again in the year 2007, for the same property, one I.R.Vimalraj and R.Vijaykumar fraudulently claiming themselves to be legal heirs of said Lalitha Bhandari, executed sale deed *vide* document No.201/2007 in favour of G.V.N.Mohanraj on 08.01.2007. The said G.V.N.Mohanraj executed mortgage deed in favour of M/s.Future Metals Private Limited *vide* document No.2009/2007 on 14.03.2007. Again, on 26.11.2009, V.Parthasarathy through the forged power of attorney, mortgaged this disputed property to one G.K.Centhilkannan *vide* document No.5937/2009. On 20.12.2010, out of fraudulent receipt deed, by impersonating himself as G.K.Centhilkannan registered a document *vide* No.9699/2010 and all the above documents registered with the Joint-1 Sub-Register Office, Saidapet.

16.It is further submitted that the property involved in the above forged documents are one and the same belonging to Lalitha Bhandari and her legal heir's Thiruvanmiyur property. Hence, a criminal cases registered against 5 accused namely Pappathiyammal for impersonating herself as S.Vimala Bhandari, R.Rajendra Mull, Kuriakose Mathew, P.Seenu and Kothandaraman who impersonated himself as Parthasarathy (who are all Private Individuals) by the Central Crime Branch, Chennai in Crime No.569 of 2011 for offence under Sections 419, 465, 467, 468, 471, 420 r/w Section 34 IPC and Crime No.90 of 2012 for offence under Sections 420, 467, 468, 471 r/w 34 and 120-B IPC and Crime No.13 of 2017 for offence under Sections 419, 465, 467, 468, 420 & 120-B IPC against Pappathiammal who impersonated as S.Vimala and 4 others namely R.Rajendra Mull, R.Kuriakose Mathew, P.Seenu and B.Kothandaraman who impersonated as V.Parthasarathy. Further the legal heirs of Lalitha Bhandari filed civil suit in O.S.No.4897 of 2013 before the learned V Assistant City Civil Judge, Chennai in which all the aforesaid forged documents declared as null and void including the document No.933 of 2016 and 934 of 2016 which were registered by the petitioner in collusion with A2. Further, the Inspector General of Registration issued circulars to the Sub Registrars to verify the title deed, encumbrance certificate, patta and other property documents while registering properties. (Circulars issued by the

Inspector General of Registration in No.42938/C1/2009, dated 29.10.2009 and Circular No.18339/C1/2012, dated 25.04.2012 and Circular No.18223/C1/2013, dated 08.01.2013).

17.He further submitted that the petitioner formerly Sub Registrar Joint-I in the cadre of District Registrar in collusion with A2 to obtain a pecuniary advantage did not insist A2, who impersonated as S.Vimala, D/o.Lalitha Bhandari, to produce encumbrance certificate at the time of registration of property knowing very well that the purpose of which is to avoid fraudulent registration. Further, the petitioner failed to confirm the rights of the executants over the property and failed to verify the encumbrance certificate also. The petitioner failed to confirm the genuineness of the Legal Heir Certificate with the document attached by A2, who impersonated as S.Vimala, D/o.Lalitha Bhandari for the document No.4750/1960 as parent document which shows that the land was purchased by one Lalitha Bhandari in the year 1960. The petitioner acted in violation of directions, knowing very well that A2 impersonated as S.Vimala who has no legal right over the property in the document presented before the petitioner at the time of registration. Without verifying the documents, the petitioner registered the power of attorney produced by A2, who impersonated as S.Vimala in document No.934/2016 and released the document which was a fraudulent registration of a valuable property, thereby, the petitioner by allowing A2 to impersonate as S.Vimala obtained undue pecuniary advantage of a valuable property. The above facts constitutes the commission of offences of criminal conspiracy, fabrication of records with sufficient knowledge, using forged records as genuine, criminal breach of trust and criminal misconduct by a public servant. Further, sanction order to prosecute the petitioner obtained from the competent authority. On conclusion of investigation, charge sheet filed on 16.03.2021 before the trial Court.

18.He further submitted that the petitioner as Sub Registrar to check the previous/parent documents before registering a power of attorney deed and to verify the original title deeds, encumbrance certificate, authenticity of patta, legal heir certificate before registration. In this case, it is clear that the petitioner failed to follow the instructions of the Inspector General of Registration, hence, she arrayed as accused in the charge sheet. He further submitted that earlier the Inspector General of Registration received email on 07.08.2013 from the real owner of the property complaining about the fraudulent act with regard to the disputed property. Based on which, the Inspector General of Registration sent a letter to the District Registrar, South

Chennai regarding forged registration on 22.02.2013. The District Registrar filed a report dated 03.03.2016 with regard to the complaint given by the original owner dated 27.02.2012. In the letter dated 22.02.2013, the Inspector General of Registration specifically mentioned about the pendency of case before the Court of law, despite the same, registration of document Nos.933 & 934 of 2016 done by the petitioner. This being so, now the petitioner claiming no knowledge of forgery of document is not sustainable.

19.He further submitted that it is a settled law that at the time of framing of charges, the Court need not go into the merits of the case whether the case will lead to conviction and only to see whether *prima facie* case is made out to proceed with the case. If strong suspicion exits that the accused might have committed the offence would justify the framing of charges. For this point, learned Government Advocate (Crl. Side) relied on the decisions of the Hon'ble Apex Court in ***State of Bihar v. Ramesh Singh*** reported in ***(1977) 4 SCC 39 P 533*** and ***P.Vijayan v. State of Kerala and another*** reported in ***(2010) 2 SCC 398.*** Hence, he prayed for dismissal.

20.Considering the submissions and on perusal of the materials, it is seen that during the period between 16.07.2014 and 01.08.2017, the petitioner served as Sub Registrar Joint-I, Saidapet in the cadre of District Registrar, Chennai. In respect of the property situated in survey Nos.211/13, 211/14 and 211/15 and town survey Nos.174/1 and 174/2 altogether to the extent of 37 1/2 grounds (2 Acres and 3 Cents) located at Valmiki Nagar, Thiruvanmiyur village, Chennai, the revenue records stands in the name of Lalitha Bhandari, her daughters *viz.,* Saraswathi Bhandari, Sumithra Bhandari, Geetha Bhandari and Vimala Bhandari *vide* document No.4750 of 1960. From the year 2001 onwards, creation of forged documents as well as encumbrance to the above said property, started. The petitioner on 29.01.2016 registered two document Nos.933 & 934 of 2016. The document No.933 of 2016 pertains to cancellation of power of attorney document No.50 of 2011 executed by S.Vimala in favour of Parthasarathy. The document No.934 of 2016 is a power deed executed by S.Vimala in favour of Kuriakose Mathew. This power pertains to the property in document No.4750 of 1960. By document No.201 of 2001, one I.R.Vimalraj and R.Vijayakumar claiming themselves to be legal heirs of Lalitha Bhandari, executed a sale deed favouring one G.V.N.Mohanraj for this property of 19 grounds and 387 cents for sale consideration of Rs.8.41 Crores. Then, G.V.N.Mohanraj executed mortgage deed in favour of

M/s.Future Metals Private Limited in document No.2009 of 2007 for a sum of Rs.13.20 Crores. On 26.11.2009, V.Parthasarathy through the power of attorney, mortgaged the property to one G.K.Centhilkumar vide document No.5937 of 2009.

21.In this case, the document Nos.933 & 934 of 2016 registered by the petitioner on 29.01.2016, three months thereafter, one Joel Singh complained to the petitioner that the document Nos.933 & 934 of 2016 are forged documents and the executant S.Vimala was impersonated. Since the petitioner being a Sub Registrar has no authority to cancel the documents that had already registered, she directed Joel Singh to lodge a complaint with the District Registrar who is the authority to cause enquiry and cancel the disputed document. Following the petitioner's instructions, a complaint made by Joel Singh on 03.03.2016. Based on which, the Inspector General of Registration ordered enquiry, enquiry conducted, found creation of forged documents and ordered steps to be taken to cancel the documents invoking Sections 82 & 83 of Registration Act. In the meanwhile, civil suit filed in O.S.No.4897 of 2013 before the learned V Assistant Judge, V Assistant City Civil Court, Chennai and the civil Court by judgment dated 21.12.2017 declared all forged documents (Power of Attorney document No.50 of 2001, Sale Deed document

No.201 of 2007, Mortgage deed document No.2009 of 2007, Power of Attorney document No.2128 of 2008, Mortgage deed document No.5937 of 2009 and Receipt Deed No.9699 of 2010) as null and void. Hence, all documents including the document Nos.933 & 934 of 2016 cancelled both on administrative side and on judicial side by the judgment of the civil Court dated 21.12.2017 in O.S.No.4897 of 2013.

22.It is to be seen that on the petitioner's instructions, the document Nos.933 and 934 of 2016, though not originally included in the plaint in O.S.No.4897 of 2013, subsequently brought within the scope of the issues to be decided during the proceedings, and the said documents ultimately declared null and void. The same recorded in the Index of revenue records. Thus, it is clear that the documents, which were executed during January, 2016, within a short period, cancelled. Pursuant to the document No.934 of 2016, no further document or any encumbrance created to the property.

23.The only overtact against the petitioner is that the petitioner not verified the original document Nos.933 & 934 of 2016, death certificate, encumbrance certificate, legal heir certificate, patta and other documents prior to registration of document Nos.933 & 934 of 2016. Added to it, the petitioner not followed the circulars of Inspector General of Registration in Circular No.18223/C1/2013-1 dated 08.01.2013, 18339/C1/2012-1, dated 25.09.2012, 42938/C1/2009-1 dated 29.10.2009 and 42938/C1/2013-1, dated 18.12.2009. These circulars broadly stated that, if a document was kept pending by way of a written communication, reasons required to be given. Further, if any doubt arose regarding the documents submitted, the same to be verified within three days, failing which the document to be forwarded to the District Registrar. In cases where there was doubt regarding the stamp duty or guideline value, the matter to be referred for adjudication under Section 31 of the Registration Act. Likewise, if any doubt arise with regard to patta, the same to be verified through Tahsildar or the concerned revenue officials. Further, if the property belonged to the Hindu Religious and Charitable Endowments Department or the Wakf Board, No Objection Certificate (NOC) to be obtained. Further, while presenting the documents, it is to be seen that whether the Executor is the person who is shown in the encumbrance certificate. If not what is the relationship of the executors with the previous title owner.

24.Presently, there are several decisions of the Hon'ble Apex Court and High Courts regarding the procedure to be followed in complaints relating to fraudulent registration through impersonation or production of false documents. In this regard, the Inspector General of Registration issued Circular No.67 dated 03.11.2011 which was subsequently withdrawn by Circular No.41530/U1/2017 dated 20.11.2017. The Hon'ble Apex Court in ***Satya Pal Anand v. State of Madhya Pradesh and Others*** reported in ***(2016) 10 SCC 767*** referred to the decisions viz., ***Nurul Haq v. Chaeles Tyrrell Moore*** reported in ***AIR 1949 Cal 220*** and ***Nydarsingh v. Chensingh*** reported in ***AIR 1955 MB 205*** and ***Bihar Deed Writers Association and Ors., v. State of Bihar*** reported in ***1988 (36) BLJR 399,*** held that the circulars should in no way be construed as empowering the District Registrar (Administration) to decide issues relating to title and further held that the District Registrar shall intimate the facts of any fraudulent registration caused due to the non-adherence of safeguards by the registering officers to the Deputy Inspector General of Registration for initiation of disciplinary action. Apart from this, if any criminal misconduct is found in the process of registration, necessary action shall also be taken.

25.It is to be seen that in Circular No.41530/U1/2017 dated 20.10.2017, detailed guidelines issued by the Inspector General of Registration, Chennai. The sum and substance is that, if any violation is found, only departmental action is to be taken, and only in exceptional cases, where active connivance is established, criminal prosecution can be initiated. The District Registrar (Admin) in Letter No.018887/A1/2018 dated 28.12.2018 sent a report to the Inspector General of Registration after conducting enquiry with regard to registration of document Nos.933 & 934 of 2016 and observed that in document No.933 of 2016, it is recorded that "*Since the abovesaid Mrs.Saraswathi Bhandari, Mrs.Geetha Bhandari are dead the living principal can cancel the Registered Subsisting Power in favour of Mr.V.Parthasarathy by cancellation deed. Subsequently the power agent can be shown a witness. Since the declaration is also made by living principal. There will not be any legal impediment. Sub delegation by the power agent is not legally permissible.*" On verification of the documents, it was found that there is no restriction in admitting the cancellation of the power of attorney. However, since the persons who had executed the power of attorney namely Saraswathi Bhandari, Vimala Bhandari and Geetha Bhandari and out of them, Saraswathi Bhandari and Geetha Bhandari dead, no details regarding their death available. Earlier the power of attorney executed by three persons, but now it is only one person. In view of the same, registering authority ought to have verified the death details. Likewise while registering the document No.934 of 2016, it is recorded "*In respect of deeds involving transfer of immovable property, such as sale, gift, settlement, exchange of creating charge over the property such as*

Mortgage or Power of Attorney, the registering officer should insist presentation of previous original deed/deeds by which the executants acquired right over the said property before registering the document. And then verify the previous documents to satisfy himself that the executants have right over the property.". There was no details as to whether the original document No.4750 of 1960 verified.

26.The petitioner while registering the document Nos.933 & 934 of 2016 caused an enquiry and called for the relevant property documents in No.4750 of 1960. The documents received through the RTI confirms that prior to cancellation of power in document No.933 of 2016 and registration of power deed in document No.934 of 2016, the petitioner verified the relevant documents and revenue records pertaining to the original document No.4750 of 1960. Scanned reproduction of the same and C-Section Remark in No.12431/V3/2018 are as follows:

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Power cancel
933/2016

நகல்: 934/2016
power deed

Original ஆவணம் தொலைந்துவிட்டதால்
பதிக்கப்பட்ட நிலம் பத்திரம் ...
எண் 120 / வருடம் ... / K1 / 2015
நாள் 4.12.2015 ஆம் இணைசார்பதிவாளர்
அடையாறு அலுவலகத்தில் 30.12.2015 -ல்
Certificate copy பெற்றுக் கொண்டது. மேலும்
அதன் Certificate copy 22.1.2016 -ல் பெற்று
... ஒப்படைக்கப்பட்டது. அதுபோல E.C,
Patta, வரைபட பத்திரங்கள், Death Certificate
Legal heir Certificate - நகல் பெற்றுக்கொண்டேன்
சரி.

29.1.2016

ஆவணம் Joint II office 50/2001/2014 ... Superintendent ... Joint II அலுவலகத்தில் ... copy ...

29.1.2018

// TRUE COPY //

12431/V3/2018

C- Section Remark:

Submitted for order:

In a complaint of fraudulent registration in respect of registration of two consecutive documents 933/2016 (Cancellation of POA document) and 934/2016 (POA) in the Jt.1 Sub Registrar Office, Saidapet, the DVAC has filed an FIR and included the Registering Officer also in the FIR as if she has aided the fraudulent registration without verifying ownership details as enumerated in IGR circulars.

In the note file page No.16, the C- Section has been asked to offer remarks on the report (No.18887/A1/2018, dated.28.12.2018) of the District Registrar, (AIG) Chennai South.

It is submitted that in her report, the DR, Chennai South has said as below.

1. Both documents 933/2016(Cancellation of POA) and 934/2016(POA) have been registered on the same date on 29.01.2016 by the responsible Registering officer.
2. Though the previous POA document no.50/2001/Book 4 had been registered at Joint II, Chennai South, the cancellation of that POA has been registered at Joint I, Chennai South but no wrong as per the act.
3. As the earlier POA document no.50/2001/Book 4 had been executed by 3 principals/owners, the registering officer should have verified the death certificate, legal heir certificate of other principals as per the IGR circular 18839/C1/2012, dated. 25.04.2012 since the subject POA (934/2016) has been executed by only one of the three principals namely Tmt.Vimala stating others dead.
4. An enquiry was conducted by the District Registrar, Chennai South regarding earlier impersonation and fraudulent registration as per IGR circular in respect of the subject property based on a representation dated on 27.02.2012 by

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Tmt.Saraswathy and Tmt.Vimala and a proceeding order was issued vide No.2554/B1/B3/2012, dated.03.03.2016 by the District Registrar.

In the proceeding dated on 03.03.2016, the Book 4 POA document No. 50/2001 registered in Joint II SRO, Chennai South and subsequent documents 201/2007(sale deed), 2009/2007(DOT), 5937/2009(Mortgage Deed) and 9699/2010(Receipt deed) registered in Joint I SRO, Chennai South have been arraigned as fraudulent registrations and the Joint I Sub Registrar, Chennai South have been asked to initiate action under Section 82 and 83 of Indian Stamp Act, 1899 against the said fraudulent registrations.

On perusal of the order of enquiry of the DR dated on 03.03.2016 and the report dated on 28.12.2018 the following facts are submitted for consideration.

(i) Though the DR has said in her report that the RO (Registering Officer) has not verified the death certificate, legal certificate and previous original sale deed (4750/1960), she has not said on what basis she has arrived with such assumption. She has not got any explanation from the RO in this regard. The RO in her letter dated 27.11.2020 has stated that she had verified all certificates as per IGR circulars, submitted by the said Mrs.Vimala (Principal) and had kept copies in a spiral binding in the Joint I SRO,Chennai South. The RO has enclosed copies along with her letter.

(ii) The RO has registered the subject document on 29.01.2016. The DR, Chennai South in an enquiry on a representation dated on 27.02.2012 passed an order on the subject property vide No.2554/B1/B3/2012, dated.03.03.2016 and arraigned the previously registered the Book 4 POA document No. 50/2001 registered in Joint II SRO, Chennai South and subsequent

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documents 201/2007(sale deed), 2009/2007(DOT), 5937/2009(Mortgage Deed) and 9699/2010(Receipt deed) registered in Joint I SRO, Chennai South as fraudulent documents and the order has been indexed in index II of all above documents. Had the order been passed much earlier the subsequent fraudulent registration by the RO would not have happened.

(iii) It is seen fraudulent documents have happened since 2001 on the subject property. But, there were no court injunctions or orders produced by the owners of the property on the subject property. If there was a court order or injunction it would have been indexed and would have been a deterrence to the fraudsters.

(iv) Though the District Registrar has said subject documents have been registered fraudulently she did not say it was registered in connivance or collusion with the Registering Officer. However, the DVAC has included the RO in the FIR as if she had colluded with the fraudsters in registering the subject document.

(v) It is submitted that the Registering officer is primarily a statutory officer and not a Quasi - Judicial Officer. The property document registration is being done instantaneously if the Registering Officer is satisfied on Section 32 to 35 of the Registration Act, 1908.When a document is presented for registration, and the registering officer has to see whether the document is presented by the persons executing it or claiming under such document (sec.32) or his/her legal representative (sec.33). He has to enquire and not to conduct roving enquiry in other words, the scope of the enquiry to be conducted by the Registering Officer, under the aforesaid rules, is restricted to (i) the identity of the persons (ii) the identity of the property (iii) the attestation of any interlineations or alterations (iv) the date of purchase of the stamp paper vis-a-vis the date of

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execution. If the persons executing the documents admit execution of such document it should be registered. he refused to admit the execution, the document should be refused for registration (sec.34).The Registrar had no concern about validity or otherwise of the document which was realm of civil court even when the land is under land proceedings act or land grabbing as per the order of the Hon'ble High Court in Jothisenthilkanan K vs Collector ,Puducherry Revenue Department(2010-7-MLJ590).

(vi) The Hon'ble Supreme Court in **Satya Pal Anand Vs State of M.P. and Others, (2016) 10 SCC 767** in ***Para 41*** of its judgment held that *"Section 35 of the Act does not confer a quasi-judicial power on the Registering Authority. The Registering Officer is expected to reassure that the document to be registered is accompanied by supporting documents. He is not expected to evaluate the title or irregularity in the document as such. The examination to be done by him is incidental, to ascertain that there is no violation of provisions of the Act of 1908."*

(vii) The Registering officer would be governed by the provisions in the Act of 1908.Going by the said provisions, there is nothing to indicate that the Registering officer is required to undertake quasi-judicial enquiry regarding the veracity of the factual position stated in the document presented for registration or its legality, if the tenor of the document suggests that it requires to be registered. The validity of such registered document can, indeed, be put in issue before a court of competent jurisdiction.**Satya Pal Anand Vs State of M.P. and Others, (2016) 10 SCC 767.**

(viii) The extant circulars (Executive Orders) issued recently (latest by 2012) by the Inspector General of Registration to verify the previous original document, revenue

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records and encumbrances of a property while on registration is just to prevent fraudulent registration and to safe guard both the Registering officers and innocent.

(ix) It is well settled that statutory Rules cannot override express provisions of the statute and executive instructions cannot override either for the two.(Pandurangan Vs SR, Reddipalayam and others, 2007 (1) CTC 641)

(x) In this subject property various ROs have registered other five earlier documents and all have been exposed as fraudulent documents only on 03.03.2016 by DR order No.2554/B1/B3/2012, dated.03.03.2016. But, the DVAC has included this RO in an FIR in this subject case as if she has colluded with a common intention with the fraudsters.

(xi) To prove the charge of common intention, the prosecution has to establish by evidence, whether direct or circumstantial, that there was a plan or meeting of minds of all the accused persons to commit the offence for which they are charged with the aid of Section 34 of CPC, be it is pre-arranged or on the spur of the moment.

(xii) It is submitted that there is no such common intention on the part of the registering officers in the crime as they have simply discharged their statutory duty as prescribed in the act.

(xiii) Hon'ble High Court of Chhattisgarh in Daduram Sidar Vs. State of Chhattisgarh (2019 SCC online Chh 59) has held that, "A conjoint reading of Sections 34 and 35 of the Act of 1908 shows that the scope of enquiry to be made by the registering officer is limited by the Act, restricted to the factum of execution and the identity of person executing document, other than the levy of stamp duty, collection of registration charges and the completion of procedural formalities such as attestation etc. There is nothing in this provision requiring the registering

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officer to make roving enquiry about the title of the person with regard to the property which is being sold by sale deed. In my considered opinion, provisions contained in Section 34(1) of the Act of 1908 do not cast any duty on the registering officer to make an enquiry qua title of the person transferring the subject land to the transferee/"purchaser. "In view of the above stated analysis and legal position, I do not have slightest hesitation to hold that the petitioner/Sub Registrar while registering sale deed is not required to make an enquiry under Section 34(3) of the Act of 1908 qua title of the vendor of subject land.....prima facie do not make out a case much less the offence under section 420,120B and 424/34 of the IPC qua the petitioner. As a fallout and consequence of the above – stated discussion, initiation and continuance of criminal case being Criminal Case No.329/2016 (State of Chhattisgarh Vs. Ramkunwar) qua the petitioner only namely Daduram Sidar is hereby quashed.'

(xiv) The subject documents registered by the responsible Registering Officer were a cancellation of POA and a POA. The registrations of such documents do not provide any transfer of property or right and cannot be equated to sale and such other deeds involving transfer of property. The contention made by the DR and the DVAC are based on mere assumption as if the registering officer has colluded with the fraudsters by registering a fraudulent document and are not based on any solid concrete evidence. It is submitted that registration of documents is the primary and statutory duty of a Registering Officer. But, deciding the validity of a document and ownership right of executants is not a statutory duty of the Registering Officer as it cannot be decided instantaneously.

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(xv) It is submitted that in the absence of any mandatory statute or rule or procedures to determine or find out the fraudulent registrations on the part of the Registering Officers and non-availability of integrated data on land records in respect of ownership, it is beyond the scope and competence of the Registering Officer to ensure foolproof registration of every document.

(xvi) Hence, it is submitted until it is proved that the Registering Officer has colluded in aiding the fraudulent registration, it has to be construed that the act of Registering Officer is a bona fide one and not liable for a thing done in good faith as said in section 86 of the Registration Act, 1908.

For order,

DR Addl DcR

27.Thus, from the above, it is clear that the petitioner, prior to cancellation and registration of power of attorney documents, enquired and verified the documents such as death certificate, legal heir certificate, encumbrance certificate, patta and other documents, then only, accepted and documents registered. Hence, the procedural compliances are complied with by the petitioner. In this case, after registration of document No.934 of 2016, no further alienation or encumbrance to the property created. Added to it, the property in dispute, at no point of time, entrusted to the petitioner to attract the offence under Section 13(1)(c) of PC Act.

28.In this case, 19 witnesses examined, out of them, LW1 to LW6 are from the Registration Department, LW10 & LW11 are Medical Officers attached to Health Department of Corporation, LW13 & LW17 are Tahsildars, LW12 is a private individual Centhilkannan and LW7, LW8, LW9, LW15, LW16 to LW19 are Police officials. From the statement of witnesses, it is seen that they stated about earlier cases registered in Crime No.569 of 2011, 90 of 2012 and 17 of 2017. The witnesses from the Registration Department stated only about not following the circulars issued by the Registration Department. The witnesses from Corporation Officials and Revenue Officials stated that the documents submitted proved to be forged. The Police officials stated about the earlier investigation and the investigation in the present case.

29.It would be relevant to rely upon the decision in ***K.Gopi v. The Sub-Registrar and Ors.,*** reported in ***2025 SCC OnLine SC 740*** wherein the Hon'ble Apex Court held as follows:

> "*18.The registering officer is not concerned with the title held by the executant. He has no adjudicatory power to decide whether the executant has any title. Even if an executant executes a sale deed or a lease in respect of a land in respect of which he has no title, the registering officer cannot refuse to register the document if all the procedural compliances are made and the necessary stamp duty as well as registration charges/fee are paid. We may note here that under the scheme of the 1908 Act, it is not the function of the Sub-Registrar or registering authority to ascertain whether the vendor has title to the property which he is seeking to transfer.*

30.The duty of the petitioner as Sub Registrar is to make a preliminary enquiry and she has no adjudicatory power to decide whether the executant has any title over the property. From the documents received through RTI confirms that before registration of the document Nos.933 & 934 of 2016, the petitioner enquired and verified the documents such as death certificate, legal heir certificate, encumbrance certificate, patta and other documents, then only, accepted and registered the document Nos.933 & 934 of 2016 on 29.01.2016. Thereafter, on receipt of the complaint from Joel Singh, the petitioner sent a representation to the District Registrar, South Chennai on 12.02.2016 to cancel the document Nos.933 & 934 of 2016 registered on 29.01.2016. As stated earlier, enquiry conducted and all documents including the document Nos.933 & 934 of 2016 cancelled and declared as null and void both on administrative side and on the judicial side by the judgment of the civil Court dated 21.12.2017 in O.S.No.4897 of 2013.

31.In a similar circumstances, the petitioner was facing criminal prosecution with regard to Pallikaranai Marshland scam case. Two FIRs registered against the petitioner in Crime No.2967 of 2017 and 15 of 2018 by the Inspector of Police, Pallikaranai Police Station and the Inspector of Police, Central Crime Branch, Vepery, Chennai respectively. This Court on 24.01.2022 in Crl.O.P.Nos.9103 & 9656 of 2018 quashed the FIRs against the petitioner that when the person presenting the document satisfies certain criteria as required under the Registration Act and Rules, the Registering Authority has no other option except to register the document. It would be apposite to extract the relevant paragraphs:

"9.The duty of the registration officer is to make a primary enquiry. When the person presenting the document satisfies certain criteria as required under the Registration Act and Rules, the Registering Authority has no other option except to register the document. Therefore, when someone else created the document, impersonated other and presented the document, after making primary assessment, the registering authority had to register the document. They cannot be clothed with a criminal liability with that of a person who has actually created a document and impersonated. When a person acted in an official duty and merely registering the document when the document qualifies for registration after making primary assessment merely because someone has actually created a document or impersonated which is not within the knowledge of the registering officials, the registering officials cannot be proceeded mechanically for the penal action. In this case, the only allegation of the defacto complainant against the accused is with regard to creation of the document by the third parties who presented the document. In such view of the matter, arraying this petitioner as an accused for serious crime is not according to law when the involvement of the petitioner is not at all there, except discharging her official duty.

10.As far as other F.I.R. is concerned, it is also is of similar nature and the defacto complainant has also addressed a letter to the investigation officer not to proceed against the petitioner as the allegations of the impersonation or creating false documents is absent as against the petitioner. It is also now stated that the document executed in pursuant to the power deed is also canceled by the authorities. Hence, both the F.I.R.'s filed as against the petitioner alone is quashed. The Investigation Officer is directed to expedite the investigation in respect of other accused and proceed as per law."

It is not out of place to mention that the petitioner took earnest steps to refuse registration of lands in Pallikaranai Marshland. It is to be noted that the petitioner informed when the objections to document Nos.933 & 934 of 2016 raised by Mr.Joel Singh, directed him to make complaint to the District Registrar who is the authority to initiate proceedings and cause enquiry and to order cancellation of registered documents if fraud is proved. Further on her advice in civil suit in O.S.No.4897 of 2013, the issue with regard to falsity of document Nos.933 & 934 of 2016 added as an issued, considered and documents set aside. It is also to be seen that the petitioner in her note informed about two Assistant Inspector General of Registration demanding bribe, hence, she earned the wrath of superior officers. Further, a case already registered in Crime No.13 of 2017 by the Central Crime Branch-I, Chennai against the Impersonator Vimala, Kurialose Mathew and others for offence under Sections 419, 465, 467, 468, 420 & 120B IPC with regard to document Nos.933 & 934 of 2016. The present case has culled out from the broader investigation of the above case, which is not proper and unsustainable.

32.In view of the above, this Court is of the opinion that the petitioner, in the course of discharging her official duties, not committed any offence relating to forgery, cheating, or fabrication of false documents. It is seen after registration of document Nos.933 & 934 of 2016 till setting aside by the civil Court and cancelled by the Registration Department, no encumbrance created. Thus, registration of document Nos.933 & 934 of 2016 is an isolated incident. Further, no property was entrusted to the petitioner for dishonest or fraudulent misappropriation or conversion to her own use, or for permitting any other person to do so. Hence, the ingredients constituting the offence of criminal misconduct does not arise.

33.The continuation of proceedings against the petitioner is an abuse of process of law. Hence, this Court is inclined to quash the proceedings in C.C.No.5 of 2023 not only against the petitioner but also against A2 since for similar charge A2 is facing prosecution in Crime No.13 of 2017 on the file of the Inspector of Police, Central Crime Branch-I, Chennai.

34.In the result, this Criminal Original Petition stands allowed and the proceedings in C.C.No.5 of 2023 on the file of the Special Court for cases under Prevention of Corruption Act, 1988, Chennai is quashed against the petitioner/A1 and another accused/A2. Consequently, connected Criminal Miscellaneous Petition is closed.

9.06.2026

Speaking order/Non-speaking order
Index: Yes/No
Neutral Citation: Yes/No
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To

1.The Special Court for cases under Prevention of Corruption Act,
Chennai.

2.The Additional Superintendent of Police,
City Special Unit-III,
Vigilance and Anti Corruption,
Alandur, Chennai-600016.

3.The Public Prosecutor,
Madras High Court.

M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN
Crl.O.P.No.26296 of 2024

9.06.2026