

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.34639 of 2014 and 5555 of 2015

and M.P.No.1 of 2015 in W.P.No.5555 of 2015

W.P.No.34639 of 2014

1 Ashokchand Bansali
2 Ashok Chand ... Petitioners

Versus

1 The Inspector General of
Registration 100 Santhome High Road
Chennai-600028
2 Sub Registrar
O/o. Tirupur-II Joint Sub Registrar
Tiruppur Registration District Tiruppur
District
3 S.Madhiyazhagan
4 Nallammal
5 Asset Reconstruction
Company India Ltd. Represented by its
Assistant Manager Mr. Piyush Deora The Ruby
10th floor No.2 Senapathi Bapat Marg Dadar
(W) Mumbai - 400 028. ... Respondents

[R-5 is Impleaded as per Order
dated 09/03/2015 by T.S.S.J.
In MP.1/2015 in WP.34639/2014.]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents 1 and 2 to register the Sale Deeds dated 23.12.2013 bearing pending Registration Nos. 127 and 128 on the files of the Sub Registrar Joint II Tirupur in respect of the properties situate at (1) all that piece and parcel of immovable property comprised in SF.No. 459 admeasuring an extent of P.A. Acre 2 and 55 cents along with common areas and facilities including easementary rights in No.15 Velambalayam Village Tiruppur Taluk Tiruppur Registration District and (2) all that piece and parcel of immovable property situated at No.15 Velampalayam Village, EB Colony, Samundipuram, SF No.461/6 admeasuring an extent of

P.A.:0.09½ cents along with common areas and facilities including right of pathway and other easementary rights, in favour of the petitioners and release the documents immediately.

For Petitioners: Mr.Jeyesh B.Dolia
for M/s.Aiyar and Dolia

For Respondents: Mr.R.Govindasamy, (for R1 and R2)
Additional Government Pleader

Mr.S.Thangavel (for R3)
Mr.C.S.K.Sathish (for R4)
Mr.V.V.Sivakumar (for R5)

W.P.No.5555 of 2015

S.Madhiyazhagan ... Petitioner

Versus

1 The Inspector General
of Registration 100 Santhome High Road
Chennai-28.

2 The District Registrar
Tirupur Registration District Tirupur.

3 The Sub Registrar Joint II
Tirupur Registration District Tirupur.

4 Ashok Chand Bansali

5 Ashok Chand

6. Asset Reconstruction Company India Ltd.
Represented by its Assistant Manager
Mr. Piyush Deora
The Ruby, 10th floor
No.2 Senapathi Bapat Marg Dadar
(W) Mumbai - 400 028.

... Respondents

[R6, impleaded as per order dated 13.07.2015 by MSNJ in M.P.No.2/2015 in W.P.No.5555 of 2015]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the 3rd respondent from registering the documents P.No.127 and P.No.128 of 2013 on its file and consequently direct the 3rd respondent to initiate appropriate proceedings as provided for under the provisions of the Registration Act 1908 and other appropriate statutory laws by considering the petitioners representation dated 25.01.2015.

For Petitioner : Mr.S.Thangavel
For Respondents : Mr.R.Govindasamy, (for R1 to R3)
Additional Government Pleader

Mr.Jeyesh B.Dolia (for R4 & R5)
for M/s.Aiyar and Dolia
Mr.V.V.Sivakumar (for R6)

C O M M O N O R D E R

By consent, both the writ petitions are taken up for final disposal and as the facts pleaded and the submissions made are one and the same, these writ petitions are disposed of by a common order.

2. The petitioners in W.P No.34639 of 2014, would submit that they had business dealings with one T.Subramaniam, the Managing Director of M/s.Nallam Textiles (P) Limited, which was engaged in the manufacturing of textiles having its registered office at Door No.31, Vellamadai, H/O Pachapalayam Village, Olapalayam (Post), Kangeyam Taluk, Tirupur District and in the said company, apart from T.Subramaniam, his wife Mrs.Nallamal, the 4th respondent herein and their son Mr.S.Madhiyazhagan, the 3rd respondent herein / petitioner in W.P.No.5555 of 2015, were also Directors. The company suffered loss in the business on account of their business practices, and it could not pay the money and the company owed a sum of Rs.90 Lakhs to M/s. Naveen Enterprises, Raichur and other sister concern viz. M/s.Kalimuthu Spinners also owed a sum of Rs.20 Lakhs to M/s.Naveen Enterprises.

3. The petitioner would further state that there were criminal and civil proceedings and in order to give a quietus, the said Mr.T.Subramaniam and his wife Mrs.Nallammal, has decided to sell two properties in S.F.No.459, admeasuring to an extent of 2 Acre and 55 cents, situated at No.15, Velambalayam Village, Tiruppur Taluk, Tiruppur Registration District and lands in S.F.No.461/6, admeasuring to an extent of 0.09½ cents, in the same place and executed two sale deeds, both dated 23.12.2013 for sale consideration of Rs.2 Crores and Rs.24,84,000/-, respectively in favour of the petitioners herein. The petitioners also presented the documents for registration before the Joint II Sub-Registrar, Tiruppur and were given pending Nos.127 and 129 of 2013, respectively and since the 3rd respondent herein, who is the petitioner in W.P.No.5555 of 2015 has raised objection in the form of a representation dated 25.01.2015, the documents presented for registration, was neither returned nor registered and hence, the petitioners have come forward to file this writ petition.

4. The 3rd respondent, who is the petitioner in W.P.No.5555 of 2015 would state among other things that by practicing fraud and forgery, the petitioners managed to get two sale deeds and in this regard, he has also lodged a complaint on the file of Vellakovil Police Station, based on which a case in Cr.No.407 of 2013 was registered for commission of offence under Sections 420 and 468 IPC

and by doing such kind of illegal act, the petitioners wanted to register the two sale deeds said to have been executed by his father and hence, the 3rd respondent/petitioner in W.P.No.5555/15 submitted his objection in the form of a representation dated 25.01.2015 to the Sub Registrar Joint-II, Tirupur and since, no orders came to be passed, filed W.P.No.5555 of 2015.

5. Heard the submissions of Mr.Jeyesh B.Dolia, learned counsel appearing for the petitioners in W.P.Nos.34639 of 2014 and respondents 4 and 5 in W.P.No.5555 of 2015, Mr.R.Govindasamy, learned Additional Government Pleader, appearing for the official respondents in both the writ petitions, Mr.S.Thangavel, learned counsel appearing for the 3rd respondent/petitioner in W.P.No.5555 of 2015, Mr.V.V.Sivakumar, learned counsel appearing for Asset Reconstruction Company India Limited, Mumbai and Mr.C.S.K.Sathish, learned counsel appearing for the 4th respondent and also perused the counter affidavits filed by the said respondents.

6. The petitioners in both the writ petitions have also filed their rejoinders to the counter affidavits of the respondents and would state among other things that a suit in O.S.No.249 of 2014 has been filed on the file of the Court of Principal Subordinate Judge, Tiruppur, praying for declaring that the above said sale deeds are null and void and the suit is pending adjudication.

7. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioners in these writ petitions, directs the Sub Registrar Joint-II, Tirupur District, the 2nd respondent in W.P.No.34639 of 2014 and the 3rd respondent in W.P.No.5555 of 2015 to consider the representation dated 15.11.2014, submitted by the petitioners in W.P.No.34639 of 2014 and the representation dated 25.01.2015 submitted by the petitioner in W.P.No.5555 of 2015, in accordance with law, after putting on notice the petitioners as well as private respondents in both writ petitions and pass orders, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as private respondents in both writ petitions.

8. The writ petitions are disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ars

To

1 The Inspector General
of Registration 100 Santhome High Road
Chennai-28.

2 The District Registrar
Tirupur Registration District Tirupur.

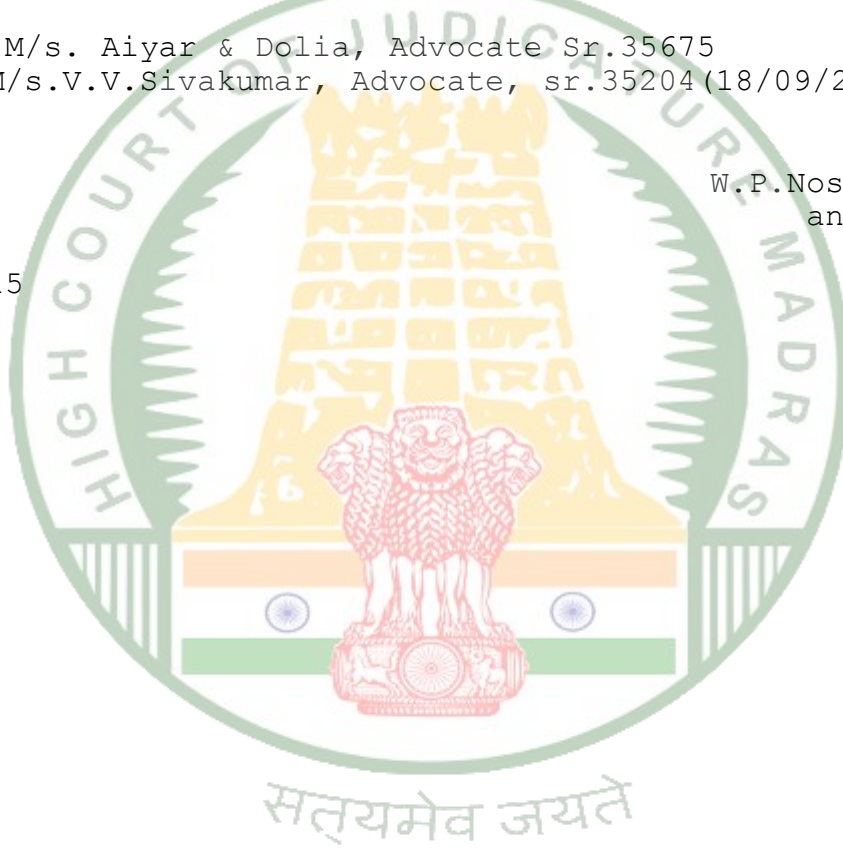
3 The Sub Registrar Joint II
Tirupur Registration District Tirupur.

+ 1 cc to M/s. Aiyar & Dolia, Advocate Sr.35675

+1 cc to M/s.V.V.Sivakumar, Advocate, sr.35204 (18/09/2015)

W.P.Nos.34639 of 2014
and 5555 of 2015

RV(CO)
Eu 23.07.15



WEB COPY