

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.32074 and 32075 of 2016
and
W.M.P.Nos.27818 and 27819 of 2016

1.J.Hariharan
2.Ananthalakshmi ... Petitioners in both the WPs.

-vs-

- 1.The Inspector General of Registration,
Department of Registration,
Government of Tamil Nadu,
Santhome High Road, Chennai-600 004.
- 2.The District Registrar (Admin),
Thiruvannamalai Road, Dowlabad,
Krishnagiri.
- 3.The Sub Registrar,
Kelamangalam Sub-Registrar Office,
Kelamangalam. ... Respondents in both the WPs.

W.P.No.32074 of 2016 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent in Letter No.6/IGR/2013 dated 30.01.2013 and quash the same as illegal, unlawful, malafide, without jurisdiction and consequentially direct the respondents to order annulment of the fraudulent documents as held by the second respondent in proceeding with Ref.Mu.Mu.No.4141/Oo/2015 dated 14.06.2016 and annulment of fraudulent Registration of Sale Agreement dated 20.12.2013 and the Sale Deed dated 26.03.2014 and removal of the same from the entries in the index on the file of the third respondent in terms of the said proceedings.

W.P.No.32075 of 2016 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents herein to take necessary action and steps for cancellation, annulment of the fraudulent documents, namely, sale agreement dated 20.12.2013 registered as Doc.No.8210 of 2013 and Sale Deed dated 26.03.2014 registered as Doc.No.2036 of 2014 as held by the second respondent in

Proceeding Ref.Mu.Mu.No.4141/Oo/2015 dated 14.06.2016 and removal of the same from the entries in the index on the file of the third respondent in terms of the said proceedings.

For Petitioners:: Mr.P.Elayarajkumar for
M/s.Ramalingam & Associates

For Respondents:: Mr.A.N.Thambidurai,
Special Government Pleader

COMMON ORDER

W.P.No.32075 of 2016 has been filed for a direction to remove the entries in the register as it has been found after conducting enquiry as per Circular-67, that the entries have been made based on fraudulent documents, and also to annul the said fraudulent documents. W.P.No.32074 of 2016 has been filed challenging the order dated 30.01.2013 of the Inspector General of Registration.

2.The learned counsel for the petitioners submitted that subsequently, Circular-67 which was challenged before this Court, was upheld and in view of the same, the letter dated 30.01.2013 passed by the Inspector General of Registration, stating that the issue of annulment of the documentation shall be kept pending, due to the pendency of the Court case, will not survive. Stating so, the learned counsel for the petitioners contended that the very letter of the Inspector General of Registration has to be struck down.

3.The learned Special Government Pleader appearing for the respondents, submitted that as against the order passed by this Court upholding Circular-67 of the Inspector General of Registration, writ appeal has been filed and the same is pending. He further submitted that in the said writ appeal, only the criminal prosecution alone has been stayed. As far as annulment is concerned, he submitted that the respondents will take up the matter and pass appropriate orders.

4.Heard the learned counsel on either side and perused the materials available on record.

5.It is clear that as per Circular-67 of the Inspector General of Registration, enquiry has been conducted and it has been found that the documents are bogus ones. Thereafter, the next process has to be commenced. Admittedly, there is a writ appeal pending challenging Circular-67, and an interim order has been granted in respect of criminal prosecution alone. In such circumstances, the impugned letter dated 30.01.2013 passed by the first respondent is set aside only to the limited extent of

proceeding further with criminal prosecution. With regard to annulment of documents, the authorities shall issue notice to the parties and then pass appropriate orders as per the procedure contemplated under Circular-67 of the Inspector General of Registration.

6.The writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector General of Registration,
Department of Registration,
Government of Tamil Nadu,
Santhome High Road, Chennai-600 004.
- 2.The District Registrar (Admin),
Thiruvannamalai Road, Dowlabad,
Krishnagiri.
- 3.The Sub Registrar,
Kelamangalam Sub-Registrar Office,
Kelamangalam.

+3cc to Mr.Ramalingam, Advocate SR.57805
+1cc to the Government Pleader sr.57894, 57895

सत्यमेव जयते

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